(5)

Supreme Court, U.S.
FILED
AUG 21 1986
JOSEPH F. SPANIOL, JR.
CLERK

No. 85-1129

In The
Supreme Court of the United States
October Term, 1985

PAUL E. JOHNSON,
Petitioner,

v.

TRANSPORTATION AGENCY,
SANTA CLARA COUNTY CALIFORNIA, and
SERVICE EMPLOYEES INTERNATIONAL UNION
LOCAL 715,
Respondents.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOINT APPENDIX

Constance E. Brooks*
Mountain States Legal Foundation
1200 Lincoln Street
Suite 600
Denver, Colorado 80203
Telephone: (303) 861-0244

James L. Dawson
Gruber & Dawson
Lloyds Bank Building
One Almaden Boulevard
Suite 300
San Jose, California 95113
Telephone: (408) 295-1134

*Counsel of Record

Steven Woodside*
Chief Assistant County Counsel
County Government Center
Ninth Floor, East Wing
70 West Hedding Street
San Jose, California 95110
Telephone: (408) 299-2111

David Rosenfeld*
Van bourg, Weinberg, Roger & Rosenfeld
875 Battery Street
San Francisco, California 94111
Telephone: (415) 864-4000

Petition for Certiorari Filed December 31, 1985
Certiorari Granted July 7, 1986

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1501P

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DOCKET ENTRIES (N.D. Calif.)

1981

Date	NR.	Proceedings	81-1218 WHO
Mar 20	1	COMPLAINT - Issued	DD 3/19/81
Apr 21	4	ANSWER TO COMPLAINT by defendant	
May 20	9	ORDER: Case transferred to San Jose, California	WHO
20	13	REASSIGNMENT ORDER: Reassigned to Judge Ingram, San Jose.	WWS

1982

Apr 26	21	Joint Pretrial Statement	
May 12	23	TRIAL MINUTES: of 5/7 & 5/12, 1982; Court trial. C/r-B Dole	WAI
Jul 23	36	FINDINGS OF FACT AND CONCLUSIONS OF LAW	WAI
Aug 10	37	JUDGMENT	
Aug 20	41	Defendant's memo in support of the motion for reconsideration and/or rehearing	
Sep 24	43	Defendant S.E.I. UNION LOCAL No. 715 Motion to intervene. Hearing set for 10/25/82 at 10:00 a.m.	
24	45	Declaration of K. Sermersheim in support of motion for intervention.	
27	54	ORDER: of 10-25-82, Defendant's motion for rehearing and/or new trial is Denied.	WAI
25	55	ORDER: of 10-25-82, Local No. 715 may intervene in this action solely for purposes	

			of arguing the motion for new trial and participating in any appeal if taken by the County of Santa Clara, and for no other purpose.
Dec	23	60	Defendant Santa Clara County Transportation Agency NOTICE OF APPEAL, from the judgment filed on 8-10-82, order denying the motion for rehearing filed 10-27-82 and stipulation and order permitting the filing of appeal by 12-27-82, fee paid.
1983			
Jan	4	62	USCA Docket number 83-1532.

The Judgment, Findings of Fact, and Conclusions of Law, entered by the District Court on August 10, 1982 and July 23, 1982 respectively, appear at pp. 1a-16a of the Appendix to the Petition for Writ of Certiorari.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT 83-1532

D.C. No. C-81-1218-WAI (SJ)

D.C. Judge William A. Ingram

Notice of appeal filed Dec. 23, 1982

PAUL E. JOHNSON,

Plaintiff-Appellee,

vs.

TRANSPORTATION AGENCY, SANTA CLARA COUNTY, CALIFORNIA,

Defendant-Appellant

and

SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 715,

Intervenor-Appellee

Date	Filings-Proceedings	
1983		
Jan 19	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSELS	egm
June 6	FILED CERTIFICATE OF RECORD (6/3/83)	gb
June 20	Filed Orig & 15 Aplt's Opening briefs (12 pgs) and 5 Excerpts. 6/20	ogm
June 20	Filed Joinder of Intervenor Service Employees Int'l Union Local 715 in the brief of the appellant. 6/17	ogm
Jul 25	Filed orig. & 15 aple's briefs. (16 pgs.) & 5 supplemental excerpts. 7/25	—ot—
1984		
Feb. 14	ARGUED & SUBMITTED TO: WALLACE, FLETCHER, FERGUSON, CJJ	—jm

DEC 4	ORDERED OPINION FILED (FLETCHER) JUDGE WALLACE CONCURRING & DISSENTING & JUDG TO BE FILED & ENTD.	—vt—
DEC 4	FILED & ENTD JUDGMENT	—vt—
DEC 21	Filed aple petition for rehearing and suggestion for rehearing en banc.	
1985		
Sep 05	Filed Order (FLETCHER & FERGUSON) The majority opinion in this case, filed Dec. 04, 1984, is amended as follows: (SEE CASE FILE) Filed Order (WALLACE) His dissent, filed Dec. 04, 1984, is amended as follows: (SEE CASE FILED) So amended the petition for rehearing is denied and the suggestion for rehearing en banc is rejected.	—ot—

The Opinion of the Ninth Circuit Court of Appeals, as modified at the Denial of Rehearing, appears at pp. 17a-52a of the Appendix to the Petition for Writ of Certiorari.

GRUBER, DAWSON & PREEFER
James L. Dawson, Esq.
778 North First Street
San Jose, CA 95112
(408) 295-1134

Attorneys for Plaintiff
PAUL E. JOHNSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NO. C81-1218 WHO

PAUL E. JOHNSON,

Plaintiff,

vs.

TRANSPORTATION AGENCY,
SANTA CLARA COUNTY,
CALIFORNIA,

Defendant.

COMPLAINT
(Civil Rights)
(Filed March 20, 1981)

I

JURISDICTION

1. Jurisdiction of this Court is invoked pursuant to 28 USC §§ 1337 and 1343(4) and 42 USC § 2000e-5(f)(3). This is an action to secure protection and to redress deprivation of rights secured by Title VII of the Civil Rights Act of 1964, 42 USC §§ 2000e-2000e-17 providing for injunctive and other relief against discrimination in employment.

II

ADMINISTRATIVE PREREQUISITE

2. Plaintiff PAUL E. JOHNSON filed a timely charge against Defendant TRANSPORTATION AGENCY, SANTA CLARA COUNTY with the Equal Employment Opportunity Commission, which has issued its right to sue notice, the original of which is attached hereto as Exhibit "A" and is incorporated by reference herein.

III

PLAINTIFF

Plaintiff PAUL E. JOHNSON, a male, has been employed by Defendant for approximately thirteen years and currently is employed by Defendant in the job category of Road Maintenance Worker.

IV

DEFENDANT

Defendant TRANSPORTATION AGENCY, SANTA CLARA COUNTY, is a transit district established, maintained, controlled and managed by the County of Santa Clara, which is a political subdivision of the State of California.

V

STATEMENT OF FACTS

a. Plaintiff PAUL E. JOHNSON has been employed by Defendant since approximately 1967. During this time, Plaintiff has had a number of job titles and has worked as a relief road dispatcher.

b. From approximately September, 1979 to June, 1980 Plaintiff worked temporarily as road dispatcher.

c. In May, 1980, an oral examination was given for the permanent position of road dispatcher. Plaintiff took the oral examination for road dispatcher but was not awarded the position of road dispatcher.

d. Instead, a female was awarded the permanent position of road dispatcher despite the fact that she did not score as high on the examination and despite the fact that she was not qualified for the position according to the job description prepared by Defendant.

VI

CAUSE OF ACTION

Plaintiff PAUL E. JOHNSON contends that Defendant failed to award him the permanent position of road dispatcher because he is a male, in violation of 42 USC § 2000 et seq.

WHEREFORE, Plaintiff prays that this Court:

(1) Assume jurisdiction of this case;

(2) Enter a declaratory judgment that Defendant discriminated against Plaintiff on the basis of his sex;

(3) Enjoin Defendant from further discriminatory acts and practices against Plaintiff;

(4) Award Plaintiff back pay and all other forms of compensation and benefits to which he is entitled;

(5) Award Plaintiff costs of suit and reasonable attorney's fees;

(6) Grant Plaintiff such other and further relief as the Court deems just and proper.

Dated: March 19, 1981

GRUBER, DAWSON & PREEFER

By /s/ James L. Dawson
Attorney for Plaintiff

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

March 10, 1981

CERTIFIED MAIL

Mr. Paul E. Johnson
c/o James L. Dawson, Esquire
Gruber, Dawson & Preefer
Attorneys at Law
778 North First Street
San Jose, California 95112

Re: EEOC Charge Against Santa Clara County Transportation Agency
No. 104800264

Dear Mr. Johnson:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over that charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.*, against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

We request that you send this Department a copy of any complaint initiating suit.

The investigative file pertaining to your case is located in the EEOC Area Office, Crocker Plaza Building, 84 West Santa Clara, San Jose, California 95113.

This Notice should not be taken to mean that the Department of Justice had made a judgment as to whether or not your case is meritorious.

Sincerely,

James P. Turner
Acting Assistant Attorney General
Civil Rights Division
/s/ Herbert A. Goldsmith, Jr.
Attorney
Federal Enforcement Section

cc: EEOC Area Office

EXHIBIT "A"

SELBY BROWN. JR., County Counsel
ANN MILLER RAVEL, Deputy
70 W. Hedding St., East Wing
San Jose, California 95110
Telephone: (408) 299-2111
Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C81-1218 WHO

PAUL E. JOHNSON,

Plaintiff,

vs.

TRANSPORTATION AGENCY, SANTA CLARA COUNTY, CALIFORNIA,

Defendant.

ANSWER TO COMPLAINT
(CIVIL RIGHTS)
(Filed April 21, 1981)

Defendant TRANSPORTATION AGENCY OF THE COUNTY OF SANTA CLARA answers the complaint on file herein as follows:

I

The allegations contained under the titles "Jurisdiction" and "Administrative Prerequisite" are neither admitted nor denied as they constitute legal conclusions.

II

Defendant admits the allegations contained in paragraphs III and IV of the complaint.

III

Defendant admits the allegations contained in paragraph V(a), V(b) and V(c) of the complaint.

IV

Defendant admits that a female person was awarded the permanent position in question herein but denies each and every, all and singular, the other allegations contained in paragraph V(d) of the complaint.

V

Defendant denies the allegations contained in paragraph VI of the complaint.

FIRST SEPARATE DEFENSE

Plaintiff's complaint fails to state a claim upon which relief can be granted.

SECOND SEPARATE DEFENSE

The Court lacks jurisdiction over the subject matter of the action.

THIRD SEPARATE DEFENSE

The person selected to perform the position has equal qualifications to do the work as plaintiff.

FOURTH SEPARATE DEFENSE

Defendant contends that it has not discriminated against plaintiff because he is male.

FIFTH SEPARATE DEFENSE

Defendant acted legally in affirmatively placing women in positions traditionally held by males.

WHEREFORE, defendant prays that:

1. The Court not take jurisdiction of this case;
2. Plaintiff take nothing by way of his complaint; and
3. Such other and further relief as the Court deems proper.

Dated: April 21, 1981.

SELBY BROWN, JR., County Counsel
ANN MILLER RAVEL, Deputy

By /s/ Ann Miller Ravel
Attorneys for Defendant

AMR:bc

JAMES L. DAWSON
GRUBER, DAWSON & PREEFER
778 North First Street
San Jose, CA 95112
(408) 295-1134
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CASE NO: C81-1218 WAI (SJ)

PAUL E. JOHNSON,

Plaintiff,

vs.

TRANSPORTATION AGENCY, SANTA CLARA COUNTY, CALIFORNIA,

Defendant.

JOINT PRE TRIAL STATEMENT

(A) PARTIES: Plaintiff, by and through their attorneys, GRUBER, DAWSON & PREEFER, JAMES L. DAWSON, and defendant, by and through its attorneys, Office of the County Counsel, STEVEN WOODSIDE submit the following Joint Pre Trial Statement pursuant to LR235-7 and the Order of this Court.

(B) JURISDICTION AND VENUE: Jurisdiction is based upon 28 USC §§ 1337 and 1343(4) and 42 USC § 2000e-5(f)(3). The action was transferred to San Jose pursuant to LR105-2(c). The challenged employment practice was carried out in the Northern District of California. There is no dispute concerning jurisdiction or venue.

(C) PLAINTIFF CONTENDS: That he was discriminated against on the basis of his sex in that he was

not promoted to the position of Road Dispatcher despite the fact that he was the most qualified candidate for the position on the basis of his background, experience, and oral examination scores. Plaintiff believes that the reason he was not promoted to the position of Road Dispatcher was because of an Affirmative Action Plan.

DEFENDANT CONTENDS: That while plaintiff was qualified for the position of Road Dispatcher that the individual who was promoted to the position, a female, was equally qualified, that under the Merit System Rules of Santa Clara County (Civil Service Rules) the Transportation Agency Director had the discretion to appoint from a list of qualified individuals. Defendant further contends that sex was not the prime factor in the selection but was a proper consideration in light of the historic underrepresentation of female employees in the Transportation Agency as a whole and in the job category of Road Dispatcher in particular.

(D) UNDISPUTED FACTS: There is general agreement as to the sequence of events leading up to the promotion at issue in this action. In late December, 1979, a promotional opportunity announcement was posted for the position of Road Dispatcher. Plaintiff, and a number of other individuals, including the individual who was ultimately appointed to the position of Road Dispatcher, filled out a written application form.

On April 24, 1980, an oral board consisting of two individuals (Mr. Estruth, Ms. Barnes), interviewed nine individuals, seven of whom scored seventy (70) and above and were therefore certified as eligible for the position of Road Dispatcher.

Plaintiff scored seventy-five (75) and Diane Joyce, the individual who was ultimately promoted, scored seventy-two point five (72.5), which was apparently rounded up to seventy-three (73).

A second oral board, or interview, was then conducted by individuals employed within the Road Operations Division of the Transportation Agency. The seven individuals who passed the first oral board participated in the second, departmental oral board. Plaintiff was the individual recommended by the second oral board to be appointed to the position of Road Dispatcher.

During the selection process, Diane Joyce contacted Ms. Helena Lee, Women's Coordinator, Santa Clara County, and informed Ms. Lee of the promotional opportunity. Ms. Lee then contacted Mr. Victor Morton, then Affirmative Action Coordinator of the Transportation Agency, and informed Mr. Morton that Diane Joyce had applied for the promotion.

Mr. James Graebner, Director of the Transportation Agency, after discussing the promotional opportunity with Mr. Morton and with Mr. Ronald Shields, Road Operations Division Director, appointed Diane Joyce to the position of Road Dispatcher.

(E) DISPUTED FACTS:

PLAINTIFF CONTENDS that he was the most qualified individual applicant for the position of Road Dis-

patcher and that he was denied the promotion because of his sex, male.

Plaintiff further contends that he was not promoted because of the interpretation and implementation of an Affirmative Action Plan which was not justifiable under the circumstances surrounding this promotion.

DEFENDANT CONTENDS that plaintiff was not denied the promotion because of his sex in that sex was not the prime factor in the selection but was a proper consideration and within the discretion of the appointing authority under the circumstances.

Defendant further contends that in the event that there is a factual finding that plaintiff was denied the promotion on the basis of sex that a legal issue may remain as to whether the Affirmative Action Plan of the Transportation Agency justified the action to promote the female applicant.

(F) RELIEF PRAYED: Plaintiff requests a declaratory judgment that he was discriminated on the basis of his sex in violation of Title VII of the Civil Rights Act of 1964;

Plaintiff further requests that he be awarded the position of Road Dispatcher and that he be awarded back pay and all other benefits that he would have had if he had been promoted to the position in June, 1980;

Plaintiff further requests an Order enjoining defendant from further discriminatory acts and practices against plaintiff;

Plaintiff further requests costs of suit and reasonable attorney's fees.

(G) POINTS OF LAW:

PLAINTIFF CONTENDS that he was not promoted to the position of Road Dispatcher because of his sex, male, and that such an action by defendant is in violation of Title VII of the Civil Rights Act of 1964.

Plaintiff further contends that the application of the Transportation Agency Affirmative Action Plan was unwarranted and unjustified because of the categorization of the position of Road Dispatcher, because there has never been a finding that the Transportation Agency as a whole or the Road Operations Division in particular has discriminated against women, because of the unrealistically high "goals" in the Affirmative Action Plan as implemented and interpreted, and because plaintiff was not a mere job applicant, but was a long time employee.

DEFENDANT CONTENDS that the appointing authority has discretion to select among individuals certified to an eligible list and, that all things being equal, the promotion of a female to the position of Road Dispatcher was appropriate and within the discretion of the appointing authority given the historic underrepresentation of females in the Transportation Agency as a whole and in the position of Road Dispatcher in particular.

(I) WITNESSES TO BE CALLED: See attached Witness list.

(J) EXHIBITS, SCHEDULES AND SUMMARIES: See attached Exhibit list.

(K) FURTHER DISCOVERY OR MOTIONS: None

(L) STIPULATIONS: The parties stipulate that all documents on the attached Exhibit list were obtained from the Transportation Agency and/or County of Santa Clara.

(M) AMENDMENTS AND DISMISSALS: None are anticipated at present.

(N) SETTLEMENT DISCUSSION: The parties do not believe that settlement is likely.

(O) AGREED STATEMENT: The undisputed facts, above, may be incorporated in the trial of this matter.

(P) BIFURCATION, SEPARATE TRIAL OF ISSUES: Not requested.

(Q) REFERENCE TO MASTER: Not applicable.

(R) APPOINTMENT AND LIMITATION OF EXPERTS: Not requested.

(S) TRIAL DATE: The trial will begin on May 10, 1982.

(T) ESTIMATE OF TRIAL TIME: The trial will last approximately two days.

(U) CLAIMS OF PRIVILEGE OR WORK PRODUCT: None.

(V) MISCELLANEOUS: None.

DATED: .....

.....
JAMES L. DAWSON
Attorney for Plaintiff

DATED: .....

.....
STEVEN WOODSIDE
Attorney for Defendant

TRIAL EXHIBITS

PROMOTIONAL OPPORTUNITY
For Employees of the
COUNTY OF SANTA CLARA

General Information:

Probationary Employees may apply for Promotional Examinations, but their names will not be certified to vacancies until they have attained permanent status.

Veterans' Preference does not apply in Promotional Examinations.

Applications may be obtained from: Santa Clara County Personnel Department, County Administration Building, 70 West Hedding Street, Room 407, San Jose 95110, or Departmental Personnel Representatives.

ROAD DISPATCHER

Salary Range $880-$1,069 Monthly

Final Filing Date March 15, 1974

Time and Place of Examination To be announced

NOTE: Applications must be in the Personnel Office by 5:00 P.M. on the Final Filing Date. Postmarks are no longer acceptable.

THE POSITION

Under general supervision, a Road Dispatcher dispatches crews, equipment and materials to road maintenance jobs and maintains the current status of men, equipment and materials. He maintains records of assignments, locations, status and availability of men and equipment; maintains listings of qualifications of equipment operators and other personnel; receives by telephone or

radio, complaints and notifications of road conditions from the public, civil and law enforcement agencies and other employees, relays routine and emergency telephone or radio messages; dispatches men, crews and equipment to handle emergency problems; operates two-way radio; schedules and coordinates the equipment relocation; as directed, assigns, rotates and replaces men to fulfill job requirements; originates work orders from complaints received; records and processes daily time reports, overtime reports and materials receipts and issues; and performs related work as required.

EMPLOYMENT STANDARDS

Training and experience equivalent to graduation from high school; and four years of experience in dispatching trucks or construction equipment in a related field, or four years of road maintenance work with the County of Santa Clara.

Possession of a Restricted or higher Radio Telephone Operator's license issued by the Federal Communications Commission is desirable.

Knowledge of: Skills used in road maintenance work; types and capabilities of road maintenance and construction equipment; fundamentals of radio telephone operation.

Ability to: Keep accurate records; operate two-way radio equipment; speak clearly and distinctly; schedule and coordinate a large number of men and equipment; learn the location of roads and expressways; work cooperatively with other employees and the public.

EXAMINATION

Written Test 50%

Oral Interview 50%

A minimum rating of 70% is required for each part of the examination. According to Merit System Rules, the 70% used to represent the minimum acceptable score on the written test need not be the arithmetical 70%, but may be adjusted, based on a consideration of the difficulty of the test, the degree of competition, and the needs of the service. It is important that your application form show all pertinent training and experience you possess.

Issued 2/27/74

ROAD DISPATCHER

3/15/74—EEF $880-$1,069 Monthly

PROMOTIONAL OPPORTUNITY

For Employees of the
COUNTY OF SANTA CLARA

General Information:

Probationary Employees may apply for Promotional Examinations, but their names will not be certified to vacancies until they have attained permanent status.

Veterans' Preference does not apply in Promotional Examinations.

Applications may be obtained from: Santa Clara County Personnel Department, County Administration Building, 70 West Hedding St., East Wing Lower Level, San Jose, CA 95110 or Dept. Pers. Representative.

ROAD DISPATCHER

Salary Range $1312-1584 Effective Monthly*
Final Filing Date December 28, 1979
Time and Place of Examination To be announced

*Includes County's payment of employee's share of Social Security

NOTE: Applications must be filed at Transportation Personnel, 1555 Berger Drive, Bldg. 2, Room 103, San Jose, CA 95112 by 5:00 P.M. on the final filing date. Postmarks are no longer acceptable.

MACHINE COPIED APPLICATIONS
WILL NOT BE ACCEPTED

THE POSITION

Under general supervision, the Road Dispatcher dispatches crews, equipment and materials to road maintenance jobs and maintains status of crews, equipment and materials. Typical tasks would additionally include maintaining records of assignments, locations, status and avail-

ability of personnel and equipment; maintaining listings of qualifications of equipment operators and other personnel; receiving, by telephone or radio, complaints and notifications of road conditions from the public, civil and law enforcement agencies and other employees; relaying routine and emergency telephone or radio messages; dispatching crews and equipment to handle emergency problems; operating two-way radio; scheduling and coordinating equipment relocation; assigning, rotating and replacing personnel, as directed, to fulfill job requirements; originating work orders from complaints received; recording and processing daily time reports, overtime reports and materials receipts and issues; and performing related work as required.

APPLICATION REQUIREMENTS

Training and experience equivalent to graduation from high school; and four years of experience in dispatching trucks or construction equipment in a related field, or four years of road maintenance work with the County of Santa Clara.

Possession of a Restricted or higher Radio Telephone Operator's license issued by the Federal Communications Commission is desirable.

Knowledge of: Skills used in road maintenance work; types and capabilities of road maintenance and construction equipment; fundamentals of radio telephone operation.

Ability to: Keep accurate records; operate two-way radio equipment; speak clearly and distinctly; schedule and coordinate a large number of employees and equipment; learn the location of roads and expressways; work cooperatively with other employees and the public.

EXAMINATION

The examination will include one or more of the following parts: application review, application appraisal, written test, oral examination. If applications are received in such numbers that a competitive rating of education and experience is not possible from a review alone, those factors will be determined by a written test and/or an oral examination. If both a written test and an oral interview are required 50% of the total examination weight will be assigned to the written portion and 50% to the oral.

As a condition of appointment each employee who is not employed in a classification already covered by Local 715 must sign a modified agency shop agreement providing for the deduction of union membership dues or a service fee. A 10 working day cancellation period is provided.

Those eligibles scoring 80% or more on the examination will be certified to the department in which they are working before eligibles from other County departments.

It is important that your application show all the relevant training and experience you possess. Applications may be rejected if incomplete. Copies of all materials submitted along with application forms may not be returned to applicants.

Issued 12/12/79
Folder No. 325/9

ROAD DISPATCHER

12/28/79—SC/Transportation

$1312-1584 Effective Monthly*

SANTA CLARA COUNTY
PERSONNEL DEPARTMENT
ELIGIBLE LIST

Class Title ROAD DISPATCHER

[Promotional]

			Number
Announcement	12/12/79	Total Applications	12
Final Filing	12/29/79	Applications Accepted	9
Prom. Rating	.....	Took Written	.....
Appl. Appr.	.....	Qualified Written	.....
Written	.....	Appeared Oral	9
Oral	4/24/80	On List	7
List Prepared	4/29/80		

ORAL EXAMINING BOARD: Name Orals held at Transportation. Title

Name	P	Final Score
KINNEAR, William J.	1	80
JOHNSON, Paul E.	2	75
MITCHELL, Walter L.	2	75
JOYCE, Diane D.	4	73
JADRICH, Richard J.	5	71
MCNAY,Ronald A.	6	71
SILVA, Albert P.	7	70

ASST. DIRECTOR OF PERSONNEL ILLEGIBLE

Date Approved

PERSONNEL REQUEST AND CERTIFICATION
* * * [Material deleted—Illegible]

Date Phone	Certification of Eligibles Name - Address	Interview Results Circle One		REASONS FOR DECISION Explain 4, 5, or 6 (List critical abilities, knowledges, and skills person has or lacks)
5/16/80	DEPT PROM LIST			
	WILLIAM J. KINNEAR	1	4	This candidate has
	2775B E. Dunne Ave	2	5	knowledge of man-
779-5732	Morgan Hill, 95037	3	6	power and equip- ment needs but lacks clerical experience.
	* PAUL E. JOHNSON	1	4	Well qu[illegible]ed appli-
	3139 New Jersey Ave	2	5	cant; two years of
377-3794	SJ, 95127	3	6	R M W experience plus 11 years of Road Yard Clerk. Has had previous outside Dispatch ex- perience but was 13 years ago.
	* WALTER L. MITCHELL	1	4	This candidate is
	3072 Murtha	2	5	qualified and has
272-1389	SJ, 95127	3	6	knowledge of equip- ment and material but lacks the experi- ence in office pro- cedures required by this position.
	DIANE D. JOYCE	1	4	Well qualified by
	1450 Bernardo Ave	2	5	virtue of 18 years of
245-1311	SU, 94087	3	6	past clerical experi- ence including 3½ years at West Yard plus almost 5 years as a RMW.

Date Phone	Certification of Eligibles Name - Address	Interview Results Circle One	REASONS FOR DECISION Explain 4, 5, or 6 (List critical abilities, knowledges, and skills person has or lacks)
292-5364	**RICHARD J. JADRICH 1495 Calaveras SJ, 95126	1 2 3	4 5 6 This candidate is highly qualified but lacks the depth of e x p e r i e n c e Dispatching men and e q u i p m e n t and clerical duties of the candidate selected.
926-5610	**RONALD A. MCNAY 1667 Flickinger SJ, 95131	1 2 3	4 5 6 This candidate has little knowledge of the requirements of this position. Has some knowledge of w o r k procedures and e q u i p ment usage but has no exper. or backgrd. in office procedures.
227-6149	ALBERT P. SILVA 5958 Dunn Ave SJ, 95123	1 2 3	4 5 6 Shows no interest in this position on a full time basis.

Director of Personnel

Appointing Authority
James Graebner

KEY FOR INTERVIEW RESULTS

1 -Did not respond
2 -Responded/Waived interview
3 -Interviewed/waived
4 -Interviewed/not selected
5 -Interviewed/selected
6 -Other

* * * [Material deleted—Illegible]

Transportation Agency
County of Santa Clara

Equal Employment Opportunity Affirmative Action Plan

BOARD OF SUPERVISORS

Geraldine F. Steinberg
5th District
Chairperson, Transit District Board

Rod Diridon
4th District
Chairperson, County Board

Sig Sanchez
1st District

Dominic L. Cortese
2nd District

Dan McCorquodale
3rd District

COUNTY EXECUTIVE
William M. Siegel

DIRECTOR OF TRANSPORTATION
James H. Graebner

AFFIMATIVE ACTION COORDINATOR
Ernest Perez

AGENCY PERSONNEL OFFICER
Jan Thomas

December 18, 1978

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SANTA CLARA COUNTY AND TRANSIT DISTRICT EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the Santa Clara County and Transit District Boards of Supervisors that no person shall on the

ground of race, color, national origin, religion, sex, age or handicapped status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by Santa Clara County.

Further, it is the policy of the County and Transit District Boards of Supervisors that no person shall be discriminated against with regard to recruitment, selection, appointment, training, promotion, retention, discipline or other aspects of employment because of race, color, national origin, religion, sex, age or handicapped status.

It is the goal of the County and Transit District to attain a work force which includes in all occupational fields and at all employment levels minorities, women and handicapped persons in numbers consistent with the ratio of these groups in the area work force.

The County and Transit District Boards of Supervisors recognize that mere prohibition of discriminatory practices is not enough to remedy the effects of past practices and to permit attainment of an equitable representation of minorities, women and handicapped persons. Affirmative, aggressive, continuing actions are required to attain this goal.

Consequently, it is the will of the County and Transit District Boards of Supervisors that the Transportation Agency take affirmative continuing action as required to assure that:

a. Employment by the Agency is kept freely open to all persons regardless of race, color, national origin, religion, sex, age or handicapped status.

b. Any possible barriers to employment and promotion of minorities, women and handicapped persons are removed.

c. Aggressive and imaginative continuing efforts are made to attract and assist minorities, women and handicapped persons to qualify for employment and promotion as needed to attain an equitable representation in all occupational fields and at all job levels.

d. Bilingual and bicultural persons are recruited, selected and employed in all job classifications as needed to provide equitable service to all bilingual, bicultural segments of the community with special emphasis toward the County's Spanish-speaking residents and other large identifiable groups.

The attached Santa Clara County Transportation Agency Equal Opportunity Plan outlines the actions to be taken to implement the Equal Opportunity Policy outlined above. This Plan is approved effective December 18, 1978.

/s /Rod Diridon
Chairperson
Santa Clara County
Board of Supervisors

/s/ Geraldine F. Steinberg
Chairperson
Santa Clara County
Transit District

FOREWORD

SANTA CLARA COUNTY TRANSPORTATION AGENCY EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION PLAN

The Santa Clara County Transportation Agency Equal Employment Opportunity (EEO) Affirmative Action Plan sets forth the actions to be taken to comply with the Equal Employment Opportunity Policy established by the County and Transit District Boards of Supervisors and with Urban Mass Transportation Administration EEO requirements.

The Transportation Agency Director is responsible for development and implementation of the Agency EEO Affirmative Action Plan. The Agency EEO Program, however, is an integral part of the County Affirmative Action Program. Consequently, since the County Personnel Department is charged with recruiting, testing and establishing employment lists for many of the job classifications used by the Transportation Agency, the County Personnel Department Director shares major responsibility for effective implementation of the Program.

Therefore, it is expected that the County Personnel Department and its Affirmative Action Program staff will aggressively strive to effectively carry out the personnel actions for which they are responsible essential to attainment of the objectives of the Agency EEO Program.

/s/ William M. Siegel
County Executive and
Executive Officer,
County Transit District

PREFACE

The Transportation Agency goal is to attain an Agency work force whose composition reflects the ethnic and sexual make-up of the area work force. Also, it is the Agency's goal to provide handicapped persons equitable employment and career progression opportunities within the Agency.

Presently all ethnic minority groups have an overall representation in the Agency work force that approximates or exceeds their ratio in the area work force. Significant deficiencies exist, however, in the representation of some minority groups in management, professional and technical positions. Consequently, a primary objective of the Agency Equal Employment Opportunity (EEO) Affirmative Action Plan will be to correct these deficiencies.

Women are underrepresented in total numbers in the Agency work force and in a number of major job categories. Therefore, a priority objective of the Agency EEO Affirmative Action Plan will be to provide women the maximum possible opportunity to obtain equitable employment and career progression in the Agency's professional, technical and skilled job classifications where women have not been traditionally employed and where they are presently underrepresented.

To attain these goals and make Equal Employment Opportunity a reality throughout the Agency, Affirmative Action must be an integral part of the Agency's total personnel process. The Agency EEO Affirmative Action Plan identifies major personnel actions in recruitment, hiring, upgrading, training and other areas needed to attain these

goals and assigns responsibilities and establishes timetables for their accomplishment.

Primary responsibility for accomplishment of most of the personnel actions outlined in the Plan necessarily resides with the Agency Personnel Office. However, all Division Directors and supervisory personnel share significant responsibilities for implementation of the actions pertaining to their functional areas. The degree to which each Agency Division attains the Plan's objectives will provide a direct measure of that Division Director's personal commitment to the EEO Policy established by the County and Transit District Boards of Supervisors.

Effective implementation of the Plan should result in a statistically measurable yearly improvement in the hiring, training and promotion of minorities, women and handicapped persons in the major job classifications utilized by the Agency where these groups are underrepresented. At the same time, it should result in improved personnel practices that will benefit all Agency employees who may have been subjected to discriminatory personnel practices in the past. Thus, the Agency EEO Affirmative Action Plan should serve as an action guide to bring about improved personnel administration practices that result in fuller development of underutilized human resources and more efficient, effective accomplishment of the Agency's mission while making Equal Employment Opportunity a reality for all persons.

/s/ James H. Graebner, Director
Transportation Agency

SANTA CLARA COUNTY
TRANSPORTATION AGENCY
EQUAL EMPLOYMENT OPPORTUNITY
AFFIRMATIVE ACTION PLAN

December 18, 1978

PART I — GENERAL

A. *Purpose and Scope of the Plan*

1. Sets forth the Equal Employment Opportunity Policy approved by the Santa Clara County and Transit District Boards of Supervisors.

2. Provides background data pertaining to development of the Transportation Agency Equal Employment Opportunity Affirmative Action Program.

3. Presents an analysis of the composition and distribution of the existing Agency work force and establishes Equal Opportunity/Affirmative Action Employment goals for the Transportation Agency.

4. Identifies the major actions to be accomplished to carry out the Santa Clara County and Transit District Equal Employment Opportunity Policy and assigns responsibility and establishes timetables for their accomplishment.

5. Outlines actions to be taken by the Agency to assure compliance with Federal, State, and County Equal Employment Opportunity requirements by contractors and consultants involved in Agency construction, consultant, services or other projects.

B. *Plan Background*

1. On August 7, 1971, the Santa Clara County Board of Supervisors adopted an Equal Employment Opportunity Policy, subsequently established as General Personnel Policy 200. This Policy declared that:

   a. The County of Santa Clara has a clear responsibility for establishment of equal employment opportunity in a clear and positive sense at all levels of County government.

   b. As a government entity, the County should provide exemplary leadership to all other employers in the metropolitan area in making equal employment opportunity a reality for all persons.

   c. Priority attention should be given to analysis of the service needs of minority persons.

   d. Steps should be taken as necessary to recruit, train and deploy bilingual, bicultural staff to provide services equitably to all bicultural members of the community with special emphasis toward the County's Spanish-speaking residents and other large identifiable groups.

2. On October 7, 1972, the County Board of Supervisors adopted a five-year County Affirmative Action Plan.

   a. This Plan established a County Affirmative Action Program and provided guidelines for

implementation of the Equal Employment Opportunity Policy adopted by the County Board of Supervisors on August 7, 1971.

b. The Program goal was to attain by June 30, 1977, a minority and female representation in the overall County and all job classifications in keeping with the ratio of these groups in the area work force.

3. While the County made significant progress toward attainment of the County Affirmative Action Plan's employment goals, these goals were not achieved in several important areas. Consequently, the County is adopting a follow-on Affirmative Action Plan.

4. On September 8, 1975, the County Board of Supervisors approved a comprehensive Affirmative Action Plan for the Transportation Agency. This Plan incorporated the Equal Employment Opportunity Policy adopted by the Board of Supervisors on August 7, 1971. Also, it incorporated an Affirmative Action Program to assure compliance with this policy and requirements imposed by the Urban Mass Transportation Administration (UMTA) and other Federal or State Agencies. Additionally, it incorporated an Affirmative Action Program concerned with monitoring and assuring compliance by construction contractors and consultants involved in Agency projects with Federal, State and Santa Clara County Equal Employment/Affirmative Action requirements.

5. On March 1, 1978, UMTA Circular 1155.1, "UMTA Interim Equal Employment Opportunity Policy and Requirements for Grant Recipients" became applicable to UMTA grant applicants. The purpose of the Circular was to clarify and strengthen equal employment opportunity procedures for UMTA grant recipients by requiring submission of written Equal Employment Opportunity plans and approval of such plans by UMTA.

6. Section 504 of the Rehabilitation Act of 1973.

   a. The Rehabilitation Act of 1973 commonly referred to as "The Handicapped Civil Rights Law" is to the disabled what the Civil Rights Act of 1964 is to minorities and women.

   b. The Act is an extension of affirmative action and nondiscrimination to disabled persons. Section 504 of the Act provides that handicapped individuals shall not be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal assistance.

   c. The Act requires that an employer make reasonable accommodation to the disabilities of applicants and employees unless it can be demonstrated by the employer that accommodation would impose an undue hardship on the operation of the activity (See pages 61-62 for guidelines defining reasonable accommodation).

7. California Code Sections 19230-19237 (AB 1309), AB 1309 established that:

   Effective January 1, 1978, it is the policy of the State of California to encourage and enable disabled persons to participate fully in the social and economic life of the State and to engage in renumerative employment. Furthermore, it established as State policy that qualified* disabled persons shall be employed in State service in the political subdivisions of the State, in public schools and in all other employment supported in whole or in part by public funds. Disabled persons are to be employed on the same terms and conditions as the nondisabled, unless it is shown that the particular disability is job-related.

8. The Santa Clara County Transportation Agency Equal Employment Opportunity Affirmative Action Plan incorporates the UMTA Interim EEO Policy and Requirements and other Federal, State, and County requirements applicable to the Agency.

PART II — RESPONSIBILITIES

A. *General*

The Agency Equal Employment Opportunity Program is an integral part of the Agency's personnel administration process. Thus, responsibility for the day-to-day administration of the Program and its ef-

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*A disabled person is qualified when such person is capable of performing a particular job with reasonable accommodation relative to such person's disability.

fective implementation resides with all Agency Division Directors, the Agency Personnel Officer and all management, supervisory and other personnel whose actions impact upon the Program. The Agency offices and activities which share primary responsibility for development, implementation and administration of the Program are outlined below.

B. *Agency Director*

The Director, Santa Clara County Transportation Agency, is responsible for development, implementation and administration of an Agency Equal Employment Opportunity Program in keeping with the Equal Employment Opportunity Policy adopted by the Santa Clara County Board of Supervisors on August 7, 1971, and applicable requirements established by UMTA and other Federal and State Agencies and County Affirmative Action Plan.

C. *Affirmative Action Coordinator*

The Transportation Agency Affirmative Action Coordinator will report directly to and serve as Special Assistant to the Transportation Agency Director for the Equal Employment Opportunity Program and other related Equal Opportunity/Affirmative Action matters. The Affirmative Action Coordinator is responsible for:

1. Identifying the actions needed to attain the objectives of the Agency EEO Program.
2. Preparing an Agency EEO Plan that sets forth the actions to be taken to attain the Program's

objectives and assigns responsibility and establishes timetables for their accomplishment.

3. Developing program guidance, monitoring and coordinating the Plan's implementation and related Agency EEO/Affirmative Action activities, identifying problem areas and initiating appropriate corrective actions.

4. Providing assistance and guidance to the Agency's Division Directors as needed to assure accomplishment of the EEO/Affirmative Action tasks and activities applicable to their Divisions.

5. Acting as the Agency Civil Rights Coordinator for contact with State personnel for civil rights matters.

6. Serving as Staff Liaison to the Social Concerns Committee of the Santa Clara County Transportation Commission.

7. Keeping the Director informed of the status of the Agency's EEO Program, including problem areas and actions required for successful attainment of the Program's objectives.

8. Assisting the Director to interpret the Program to interested community agencies and keeping the County Executive, County and Transit District Boards of Supervisors and other appropriate agencies and groups informed of the status of the Program.

D. *Agency Personnel Officer*

The tasks outlined in the Agency EEO Plan are primarily concerned with the personnel steps to be taken in recruitment and selection, training and upgrading, and other actions needed to provide maximum employment and career progression opportunities for women and minorities in job classifications where they are significantly underrepresented. Consequently, primary responsibility for the day-to-day administration of the Program necessarily resides with the Agency Personnel Officer.

Responsibilities of the Agency Personnel Officer include assuring compliance with all the requirements pertaining to the employment of handicapped persons established by Section 504 of the Rehabilitation Act of 1973, California Code Sections 19230-19237 (AB 1309) and other related Federal, State and County directives.

Since the Agency's EEO Plan is primarily concerned with personnel actions, the success of the Plan will be largely dependent on the initiative, imagination and resourcefulness of the Agency Personnel staff in carrying out the varied, complex and extensive tasks that need be accomplished. The ultimate result of the Personnel Office's efforts should be a statistically measurable yearly improvement in hiring, training and promotion of minorities and women throughout the Agency in all major job classifications where they are underrepresented.

E. *Division Directors*

Each Agency Division Director is responsible for all aspects of the Agency EEO Program applicable to

his/her Division. This includes establishment, in cooperation with the Agency Personnel Officer and Affirmative Action Coordinator, of Affirmative Action yearly employment goals for the Division and development and implementation of the procedures required to comply with the Agency's internal and external EEO/Affirmative Action requirements.

Each Division Director is expected to aggressively support the Agency's Affirmative Action Program and to personally assure that all actions pertaining to his/her Division are carried out.

The degree to which each Division attains the Agency Affirmative Action employment goals will provide a measure of that Director's commitment and effectiveness in carrying out the Division's EEO Affirmative Action requirements.

F. *Other Supervisory Personnel*

Supervisory personnel will become thoroughly familiar with the Agency EEO Plan, particularly as it applies to their Divisions, and will assure that their subordinates understand the Plan and give all possible support to attainment of its objectives.

PART III—WORK FORCE UTILIZATION ANALYSIS

A. *General*

1. As of September 30, 1978. the Agency had a total of 1,252 employees (See page 44 for breakout).

2. Three hundred ninety-six or 31.6% of the 1,252 employees were minorities. This significantly ex-

ceeded the 19.7% ratio of minorities in the Santa Clara County area work force (1970 Census).

3. Of the 1,252 employees, 281 or 22.4% were women, significantly falling short of the 36.4% ratio of women in the area work force (1970 Census).

4. While women are greatly underrepresented in the Agency work force and significant deficiencies exist in the distribution of minorities among the Agency's major job classifications, the current work force reflects considerable progress in increasing the representation of women and minorities.

   a. On January 1, 1973, shortly before its reorganization into the County Transportation Agency, the County Department of Public Works had 551 employees. Of these, only 62 or 11.3% were minorities and 47 or 8.5% women.

   b. Between January 1, 1973 and September 30, 1978, the representation of minorities increased from 11.3% to 31.6%. During the same period, the representation of women increased from 8.5% to 22.4%.

   c. The following table presents comparative employment statistics by sex and ethnic group for January 1, 1973 and September 30, 1978:

	Jan. 1, 1973		Sept. 30, 1978		County Goals
	No.	%	No.	%	%
Total Employees	551		1167		
Males	504	91.5	971	77.6	63.6
Females	47	8.5	281	22.4	36.4
White	289	88.8	856	68.4	79.2
Black	2	0.4	102	8.2	1.6
Hispanic	39	7.1	235	18.8	14.8
Asian	16	2.9	28	2.2	2.3
American Indian	4	0.7	13	1.0	0.4
Filipino	*	*	18	1.4	0.6
Total Minorities	62	11.3	396	31.6	19.7

*Included in Asian category at that time.

B. *Minority Representation*

1. As indicated in the preceeding table, as of September 30, 1978, the overall representation in the Agency work force of each minority group approximated or exceeded its ratio in the area work force. (See pages 44 to 57 for breakout by EEOC job category and Agency job classification.)

2. Most of the increases in minority employees since January 1, 1973, occurred in the Skilled Craft, Service and Maintenance and Office and Clerical EEOC job categories. They resulted from the considerable numbers of positions established

within these categories when the Transportation Agency was created. Also, the increases resulted from special affirmative efforts made by the Agency to assure that minorities were aware of employment opportunities available in the transit system and that they received the maximum possible opportunity to compete for employment.

3. Although the overall representation of minorities exceeds their ratio in the area population, considerable imbalances exist in their distribution among the seven EEOC job categories utilized by the Agency. The comparative distribution of each group is as follows. Areas where minority underrepresentation exists are underlined.

EEOC Job Category	White	Black	Hispanic	Asian	American Indian	Filipino	Total Minorities
Officials and Administrators	92.9	0.0	3.6	0.0	3.6	0.0	7.1
Professionals	81.0	1.7	6.9	8.6	0.0	1.7	19.0
Technicians	83.1	4.8	6.5	4.8	0.0	0.8	16.9
Para-Professionals	80.0	0.0	20.0	0.0	0.0	0.0	20.0
Office and Clerical	67.6	7.6	17.2	3.4	1.4	2.8	32.4
Skilled Craft Workers	74.8	4.2	17.2	0.4	2.1	1.3	25.2
Service and Maintenance	61.0	11.4	23.7	1.7	0.8	1.4	39.0
Totals	68.4	8.2	18.8	2.2	1.0	1.4	31.6
County Goals	79.2	1.6	14.8	2.3	0.4	0.6	19.7

C. *Female Representation*

1. Overall Agency.

As of September 30, 1978, 281 or 22.4% of the Agency's 1,252 employees were women.

a. The distribution of female employees by EEOC job category was as follows. Areas where women are underrepresented are underlined.

EEOC Job Category	Total Employees	Number of Women	%
Officials and Administrators	28	2	7.1
Professionals	28	5	8.6
Technicians	124	12	9.7
Para-Professionals	10	9	90.0
Office and Clerical	145	110	75.9
Skilled Craft Workers	238	0	0.0
Service and Maintenance	649	143	22.0
Totals	1252	281	22.4

b. As in the case of minorities, the increase in female representation since January 1, 1973, primarily occurred as a result of the considerable number of new positions established to support and operate the County transit system. Most of the increases occurred in Office and Clerical and Service and Maintenance EEOC job categories. Principal increases resulted in positions established to carry out the Transit Information Services function. In the Service and Maintenance function, the number of women employed as coach operators increased from four when

the Transportation Agency was first established to a total of 115 or 23.6% of a total 488 employed as of September 30, 1978. Also, of the 45 persons employed as Utility Workers, 22 or 48.9% were women.

2. Agency Bus Maintenance Classification

   a. While most of the increases in the representation of women in the Agency occurred in positions pertaining to the transit system, women continue to be greatly underrepresented in the bus maintenance function.

   b. As of September 30, 1978, the Agency Bus Maintenance Division had 215 employees working in a total of 16 maintenance-related job classifications. Women were employed in only five of the 16 job classifications.

   c. Of the 215 employees, only 28 or 13.0% were women. Twenty-two or 78.6% of the 28 women in maintenance were employed as Utility Workers. This is one of the lower level classifications in the bus maintenance field. Three of the other six were Parts Clerks. The others were a Division Maintenance Supervisor, a Vehicle Parts Supervisor and a Vehicle Maintenance Scheduler.

   d. Of the 215 employees, 117 were working in the Service Worker, Second Class Mechanic, and First Class Mechanic job classifications. None of the 117 employees working in these bus maintenance job classifications were women.

3. Other Job Classifications

Women are also greatly underrepresented in Agency job classifications in other than the bus maintenance field. Generally, most of this underrepresentation exists in job classifications where women have not been traditionally employed in significant numbers. Job categories and major Agency job classifications where significant underrepresentation of women exists include the following:

a. Officials and Administrators—Only two of 28 positions (7.1%) are filled by women.

b. Professionals—Five of 58 positions (8.6%) are filled by women. Of the 17 job classifications in the EEOC "Professionals" job category, women are employed in four. The greatest underrepresentation exists in Engineering job classifications; none of the 33 positions in this job category requiring an Engineering background is filled by a woman.

c. Technicians—Twelve of 124 positions (9.7%) are filled by women. The 12 women are employed in 11 job classifications, reflecting significant progress in the entry of women into varied non-traditional job classifications. As in the case of the "Professionals" job category, women are particularly underrepresented in engineering and related positions. Of 30 Engineering Technician and Engineering Aide positions, only one is filled by a woman.

d. Skilled Crafts—None of the Agency's 238 positions in this category is filled by a woman.

e. Road Maintenance Workers—Only one of 110 positions is filled by a woman.

D. *Handicapped Representation*

1. As of September 30, 1978, the Agency work force reflected only one (or 0.1%) handicapped employee.

2. This negligible representation of handicapped persons has resulted from the almost total absence of handicapped persons on the employment lists received by the Agency from the County Central Personnel Department and the negligible numbers of handicapped persons who have applied directly to the Agency for jobs in Transit District job classifications.

3. Information has not been available on the percentage of qualified handicapped persons in the Santa Clara County area work force who could be hired for Agency positions. However, the State Personnel Board has established an estimated percentage of 6.3% in the State population of employable handicapped persons with Visual, Hearing, Speech, Physical and Developmental Disabilities.

E. *Conclusions*

1. As indicated, the overall representation in the Agency of all ethnic minority groups exceeds their ratios in the area work force. However, significant imbalances exist in the distribution of some groups

among particular EEOC job categories. Hispanic persons are particularly underrepresented in the Officials and Administrators, Professionals and Technicians EEOC job categories.

2. Women are the most underrepresented group in the Agency. They are adequately represented in only two of the seven EEOC job categories utilized by the Agency—Office and Clerical and Para-Professionals.

3. Several factors have contributed to the negligible representation of handicapped persons in the Agency work force.

   a. A survey has not been made of existing employees to identify those persons now working for the Agency who meet the definition of handicapped (pages 59-60) because of Visual, Hearing, Speech, Physical or Developmental Disabilities. Also, indications are that some handicapped employees have been reluctant to be identified as having a disability.

   b. Additionally, indications are that an adequate, continuing effort has not been made to assure that handicapped persons in the area are made aware of Agency position openings for which they can compete.

4. Consequently, priority Affirmative Action efforts are needed to:

   a. Increase the representation of minority persons in the Officials and Administrators, Professionals and Technicians EEOC job categories.

b. Increase the overall representation of women in the Agency and their representation in each of the five EEOC job categories where they are presently underrepresented.

c. Develop and implement procedures that assure that handicapped persons in the area work force are regularly made aware of Agency employment opportunities.

PART IV—LONG-RANGE EMPLOYMENT GOALS

A. *Goals*

1. The Agency long-range goal is to attain a work force whose composition in all job levels and major job classifications approximates the distribution of women, minority and handicapped persons in the Santa Clara County work force.

2. The percentage long-range goals established for women and minority groups are based on the ratio of these groups in the area work force as indicated in the 1970 Census. These percentages are as shown below. These goals will be subsequently modified in accordance with data derived from the 1980 Census or other official data that may become available.

Females	36.4%
Hispanic	14.8%
Black	1.6%
Asian or Pacific Islanders	2.3%*
American Indian or Alaskan Native	0.4%*
Filipino	0.6%*

*Population data—work force statistics not available.

The goals established for females and individual ethnic minority groups include attainment of equitable representation of minority women within each group.

3. The 1970 Census did not provide adequate data to permit determination of the percentage of qualified handicapped persons in the labor force. Consequently, the State Personnel Board established an estimated parity figure based on reports from the Department of Rehabilitation, Social Security Surveys, National Health Survey and other sources including the U.S. Census.

   a. Based on an evaluation of these surveys and census reports, the State Personnel Board established a parity figure of 6.3% for consideration by State Agencies when establishing Affirmative Action goals and timetables for hiring persons with Visual, Hearing, Speech, Physical and Developmental Disabilities.

   b. In the absence of more definitive data upon which to establish a goal for hiring handicapped persons, the Agency long-range goal will be to attain a 6.3% representation of such persons in appropriate Agency classifications.

B. *Factors Hindering Goal Attainment*

1. A number of factors make it difficult to attain the Agency's employment goals in Professional, Technical, Skilled Craft and other job classifications where minorities, women and handicapped persons

are currently underrepresented. These include the following:

a. Most of the positions require specialized training and experience. Until recently, relatively few minorities, women and handicapped persons sought entry into these positions. Consequently, the number of persons from these groups in the area labor force who possess the qualifications required for entry into such job classifications is limited.

b. The turnover rate in Agency Professional and Technical positions is very low, greatly limiting the opportunities available to hire minorities, women and handicapped persons in the job classifications where they are most underrepresented.

c. Many of the Agency positions where women are underrepresented involve heavy labor; e.g., Road Maintenance Worker. Consequently, few women seek entry into these positions.

d. As of September 30, 1978, the Agency used 118 different job classifications, 70 of which contained three or fewer positions. The few persons employed in each of these classifications makes it extremely difficult to establish realistic goals for employment of presently underrepresented groups in individual job classifications.

e. The Agency has only a limited number of entry job classifications leading to the Professional,

Technical and Skilled Craft classifications where women are greatly underrepresented. Thus, one of the primary actions required to increase employment opportunities for women is to establish positions and related training programs that will permit women with minimal experience to enter and progress to job classifications where they are underrepresented.

f. Many women are not strongly motivated to seek employment in job classifications where they have not been traditionally employed because of the limited opportunities that have existed in the past for them to work in such classifications.

2. Additional factors that hinder attainment of the employment goal for handicapped persons include:

a. The negligible numbers of applications for employment received from handicapped persons by both the County Central Personnel Department and the Transportation Agency.

b. Requirements in job classifications that unnecessarily exclude handicapped persons from employment (e.g., a requirement for driver's licenses where it is not necessary that every employee working in that classification drive).

c. Misconceptions held by personnel staffs and other persons involved in the employment process about the ability of handicapped persons to perform effectively in a variety of jobs.

C. *Goal Attainment Process*

1. As indicated by the above factors, it will be much easier to attain the Agency's employment goals in some job categories than in others. It is particularly evident that it will be extremely difficult to significantly increase the representation of women in technical and skilled craft job classifications where they have traditionally been greatly underrepresented. Similarly, only gradual increases in the representation of women, minorities or handicapped persons in management and professional positions can realistically be expected due to the low turnover that exists in these positions and the small numbers of persons who can be expected to compete for available openings.

2. This situation mandates that the Agency's Affirmative Action employment goals be attained in successive stages as indicated below.

   a. In the Agency taken as a whole.

   b. By major job category as established by the U.S. Equal Employment Opportunity Commission:

      (1) Officials and Administrators
      (2) Professionals
      (3) Technicians
      (4) Protective Service Workers
      (5) Para-Professionals
      (6) Office and Clerical
      (7) Skilled Craft Workers
      (8) Service and Maintenance

c. By major job classifications utilized by the Agency (e.g., Engineering, Coach Operator, Mechanic, etc.).

D. *Projected Work Force Expansion*

1. In July 1978, the Board of Supervisors approved an additional 734 positions for the Agency to support the planned expansion of the County bus fleet from 236 to 516 buses. As the County Transit System continues to expand, additional positions will need to be authorized.

2. The majority of the newly authorized positions are for coach operators and for maintenance personnel. The new positions will offer an opportunity for increased numbers of women to obtain employment as coach operators and in the bus maintenance field in positions where they have not traditionally been significantly utilized and are now greatly underrepresented. Thus, a key purpose of the Agency EEO Affirmative Action Plan will be to assure that women get the maximum possible opportunity for placement and career progression in such positions.

3. Since most of the new positions being authorized to support the expanded bus fleet are for coach operators and maintenance support personnel, the Agency work force expansion will result in only a limited increase in the opportunity to increase the representation of minorities, women and handicapped persons in management and professional positions. Increased opportunities for placement of persons from underrepresented

groups in such positions will mainly be limited to position vacancies occurring from personnel turnover.

4. Thus, even though the Agency is in process of expansion, it will be a slow and extremely difficult task to attain the Agency's Affirmative Action employment goals. Although additional positions are being established in the maintenance area, the limited availability of women with experience in this field will make it difficult to attain significant numbers of female applicants. Similarly, the low turnover in Agency management and professional positions will greatly limit the opportunity for minorities, women and handicapped persons to compete for such positions. Consequently, attainment of the Agency's employment goals in all EEOC job categories and major Agency job classifications will necessitate that the Agency Personnel Office and Division Directors give special consideration to Affirmative Action requirements in every individual hiring action pertaining to positions where minorities, women and handicapped persons continue to be underrepresented. This must be done so that no opportunity will be lost to assure that persons from these groups are provided the maximum possible opportunity for employment or career progression whenever such positions are filled either from outside the Agency or by promotion from within.

PART V — SHORT-RANGE EMPLOYMENT GOALS

A. *General*

Yearly goals for employment and advancement of minorities, women and handicapped persons in job classifications where they are underrepresented need be established to:

1. Provide a guide to the Agency Personnel Office and Division Directors indicating specific job classifications where underrepresentation of women, minorities and handicapped persons exists and where Affirmative Action is required.

2. Provide an objective standard for use in determining if the representation of minorities, women and handicapped persons in particular job classifications is at a reasonable level in comparison with estimates of the numbers of persons from these groups in the area work force who can meet the educational and experience requirements for employment.

3. Permit adjustment of Agency hiring goals as may be necessary because of limitations on hiring or reductions in the County work force resulting from financial restrictions imposed by Proposition 13 or other factors that may impact adversely upon the County's financial situation.

	Action	Action Office*	Timetable
B.	*Tasks*		
1.	Assure that all Agency job classifications are categorized into the appropriate job categories established by the Equal Employment Opportunity Commission (EEOC). Ascertain that Agency job classifications are similarly categorized in the County Personnel Department's Affirmative Action Personnel Data Reports to assure that the County and Agency report the data in the same manner.	APO	Accomplished 4/25/78 Continuous
2.	Determine the sex and ethnic category of all Agency employees. Identify each employee as belonging to one of the following ethnic groups: White, Black, Hispanic, Asian, American Indian and Filipino. (See page 58 for definition of ethnic categories).	APO	Accomplished Continuous
3.	Identify Agency employees who are handicapped as defined by the State of California Personnel Board Affirmative Action Guidelines for the Disabled (see pages 59-60).	APO	3/15/79 Continuous
4.	Establish computer programs that produce the following quarterly computerized reports as of March 31, June 30, September 30, and December 31. Provide a copy of these reports to the Affirmative Action Coordinator.		
a.	Agency work force composition and distribution by EEOC job category, salary level, sex, handicapped status and ethnic group. (This report should contain the data needed to comply with the EEOC Annual EEO-4 Report.)	APO/TD	Accomplished Continuous

*For abbreviations, see page 58.

b. Agency work force composition and distribution by EEOC job category, Agency job classification, sex, handicapped status and ethnic group.	APO/TD	Accomplished 6/30/78 Continuous
c. New hires and releases by EEOC job category, Agency job classification, sex, handicapped status and ethnic group.	APO/TD	4/1/79 Continuous
d. Data on the numbers and percentages of minority women employed by the Agency and their distribution by EEOC job category and Agency job classification.	APO/TD	4/1/79 Continuous
5. Produce the computerized reports on the Agency work force composition and distribution (as indicated in paragraph 4a-d) by Agency Division as may be required by the Affirmative Action Section.	APO/TD	6/1/79 Continuous
6. Determine the additional numbers of employees by sex and ethnic group required for the Agency to attain an equitable representation for each group in all EEOC job categories. Also determine the numbers of women and minorities required to attain parity in each major job classification utilized by the Agency. (Major job classifications are those that include six or more positions.)	AAC	4/15/79 Continuous
7. Ascertain the number of minority women within each minority group required to provide them equitable representation in each EEOC job category and major Agency job classifications.	AAC	4/15/79 Continuous
8. Investigate the possibility with the County Affirmative Action Section of obtaining work force statistics from the Coun-	AAC	5/1/79

ty Planning Department and other sources reflecting the ratio of minorities, women and handicapped persons who are working in the local area in major job classifications relating to those utilized by the County Administration.

9. Utilize the above data, if available, to determine the percentages of women, minorities and handicapped persons that should realistically be employed in each of the major job classifications utilized by the Agency. AAC/APO 6/15/79

10. Establish, in cooperation with Division Directors, realistic yearly employment goals for women, minorities and handicapped persons in each EEOC job category and major job classification. Base these goals on the best available predictions of position vacancies and the availability of women, minorities and handicapped persons in the area work force who can meet the entry qualifications for the positions. Include specific goals for minority women. AAC/APO 6/30/79 Continuous

NOTE: The "goals" established for each Division should not be construed as "quotas" that must be met. The "goals" should rather be seen as realistic desired levels of achievement correcting imbalances in a Division's work force. Goals should take into account such factors as turnover, layoffs, lateral transfers, new job openings, retirements and availability of minorities, women and handicapped persons in the area work force who possess the desired qualifications or potential for placement. Recognition should be given the fact that it will take longer to correct imbalances in job classifica-

tions requiring specialized education and professional skills than it will in other occupations.

11.	Reach all significant handicapped groups in the Santa Clara County area and make them aware of Agency employment opportunities available to handicapped persons.	APO	6/1/79 Continuous
12.	Determine the relative numbers of job applications received from handicapped persons as a result of the Agency's affirmative efforts. Based on this and data obtained on the relative availability of employable handicapped persons in the area, establish realistic yearly Agency employment goals for handicapped persons.	AAC/ APO	7/15/79 Continuous

PART VI—RECRUITMENT

A. *General*

1. The underrepresentation of minorities, women and handicapped persons has resulted from entrenched patterns in hiring and promotion. Thus, the mere existence of an opportunity for members of these groups to apply for jobs in Agency job classifications where they are underrepresented will not by itself result in timely attainment of parity for currently underrepresented groups.

2. Affirmative actions to remove long standing barriers to hiring and promotion of women, minorities and handicapped persons must be forceful and far-reaching measures. These measures must necessarily encompass all personnel policies and practices. An initial, imperative requirement to make equal opportunity a reality for all groups is to take the aggressive, positive, continuing actions necessary to make persons in all underrepresented groups aware of Agency job opportunities for which they can compete.

3. Recruitment procedures for each major job category where underrepresentation of women and minorities exists must be continually reviewed and analyzed. This must include as-

suring that potential sources of minority and female applicants are not overlooked (e.g., mechanic training courses at junior colleges and those conducted by local manpower training programs, etc.).

4. Indications are that there is an increasing percentage of women in the area who desire to work in non-traditional positions. This makes it desirable to modify the existing recruitment process as needed to reach such women and provide them an opportunity to compete for available positions.

5. The minimal number of job applications received in the past from handicapped persons suggests a definite need to establish procedures assuring that Agency job opportunities are made known to handicapped persons.

	Action	Action Office	Timetable
B.	*Tasks*		
1.	Obtain authorization for an additional Personnel Analyst position in the Agency Personnel Office. Assign this individual primary responsibility for assuring that all tasks assigned the Personnel Office by the Agency EEO Affirmative Action Plan are carried out in accordance with the established timetables. Utilize this analyst to conduct specialized recruitment of minorities, women and handicapped persons as necessary to attain an equitable representation of these groups in all job areas where they are underrepresented.	APO	4/15/79 Continuous
2.	Give priority attention and emphasis to recruitment of minorities, women and handicapped persons for job classifications where these groups are underrepresented. Where the County Personnel Department is responsible for recruit-	APO	Continuous

	ment, work with that Department and assure that priority recruitment efforts are made for positions where significant underutilization of minorities or women exists. (Consider "significant underutilization" as existing when the representation of such a group in a major job classification is less than 70% of that group's representation in the area work force.)		
3.	Develop and maintain a mailing list of minority, women's and handicapped organizations in the area who are especially concerned with assisting persons from these groups to find meaningful employment. Also include in the list mechanic training programs at local community colleges, private technical training schools, Manpower Programs funded by the Santa Clara Valley Employment and Training Board and other organizations where women can possibly be recruited for positions in the maintenance field where they have not been traditionally employed. Distribute job announcements to those groups on a selective basis as needed to encourage women, minorities and handicapped persons to compete for Agency positions.	APO	3/15/79 Continuous
4.	Establish continuing recruitment relationships with schools and other educational institutions having significant numbers of disabled students, including contacts with coordinators for disabled students in colleges and training facilities for the handicapped, such as schools for the blind, deaf or retarded. Also establish and maintain contact with community groups representing the handicapped and agencies such as the State Department of Rehabilitation, State Em-	APO	4/15/79 Continuous

ployment Development Department, Veterans Administration and local rehabilitation facilities.

5.	Establish a program to recruit handicapped persons for all appropriate entry and higher level job classifications. Within this program, give consideration to the following:	APO	6/1/79 Continuous
	a. Utilizing, when feasible, special Federal employment programs such as Career Opportunities Development Program (COD), Career Employment Training Act (CETA) and State programs such as Career Opportunities for the Mentally Retarded.		
	b. Maintaining liaison with the California State Personnel Board to obtain lists of disabled persons available for employment.		
	c. Monitoring Agency recruitment efforts to ensure that disabled groups are reached.		
	d. Revising the format of Agency job announcements to include phrases such as "Disabled workers hired" or "We employ disabled Workers" and prominently displaying the "handicapped symbol of access".		
6.	Implement a Job/Application Period Notification Card System to permit individuals to register their interest in particular positions in the Agency. Accept the cards on a continuing basis for all Agency positions. Particularly encourage the submission of such cards by minorities, women and	APO	Accomplished Continuous

handicapped persons for Agency job classifications where these groups are underrepresented.

a.	Utilize the Job Interest/Application Period Notification Cards during the routine recruitment process for selective recruitment of minorities and women. Contact and encourage persons from underrepresented groups to submit cards. Through this effort, maintain a job bank of persons from these groups who are interested in Agency employment.	APO	Continuous
b.	Visit mechanic and other training programs conducted by local community colleges, other technical programs, and Manpower Programs funded through the Santa Clara Valley Employment and Training Board. Through these visits, provide Job Interest/Application Period Notification Cards to trainees in programs that directly relate to Agency personnel requirements and attainment of the EEO Plan's employment goals.	APO	4/15/79 Continuous
c.	Make a special effort to inform females who are enrolled in such training programs throughout the County of employment opportunities in the maintenance field available to them in the Agency. Either provide such persons notification cards or specifically notify them of application periods for Utility Workers, Service Workers or other appropriate related positions.	APO	4/15/79 Continuous
7.	Make available Agency job specifications and Agency job application forms to local community agencies concerned	APO	Continuous

	Action	Action Office	Timetable
	with assisting minorities, women and handicapped persons to obtain employment.		
8.	Involve appropriate Division Directors in recruitment efforts to fill engineering and other positions that require special efforts to find persons from underrepresented groups with the requisite education, training or experience. Additionally, utilize to the extent possible the Agency's own technicians, engineers, etc., particularly minorities and women, to recruit minority and female applicants.	APO	Continuous
9.	Provide all possible assistance to the Central Personnel Department in recruiting persons to fill job classifications within the Agency where minorities and/or women are significantly underutilized.	APO	Continuous
10.	Inform the Agency Affirmative Action Coordinator and Agency Director of instances where inadequate numbers of applications are received from minorities and women for positions where these groups are underrepresented. If possible, extend the application period and conduct specialized recruitment for such positions until an adequate number of applications is received from such persons.	APO	Continuous
11.	Develop and implement procedures to recruit and select minorities, women and members of non-minority groups to be admitted into the Agency Fellowship Training Program.	SA/ AAC/ APO	Accomplished 1/3/78 Continuous

PART VII — SELECTION AND APPOINTMENT

A. *General*

1. Experience has shown that the selection and appointment processes are areas where hidden discrimination frequently occurs. Thus, a key requirement of the Agency EEO/Affirmative Action Plan is to continually review these processes and to take the positive actions needed to assure that minorities, women and handicapped persons are not inadvertently denied opportunity for employment because of deficiencies in these processes.

2. The County Central Personnel Department is responsible for development of employment eligible lists for many of the job classifications utilized by the Agency. In these instances, the Agency's ability to hire minorities, women and handicapped persons in jobs where they are underrepresented is dependent on the availability of persons from these groups on the employment lists provided the Agency by the County Personnel Department. Thus, an important requirement of the Agency EEO Plan is for the Agency Personnel Office to work cooperatively with the County Personnel Department to assure that such lists contain adequate numbers of persons from underrepresented groups who can be considered for Agency positions.

	Action Office	Timetable
B. *Tasks*		
1. Determine the screening, testing and selection results attained from each employment list established by the Agency. Specifically, determine for each list the numbers and percentages of minorities, women and handicapped persons who:	APO	Continuous
a. Applied for a particular position		
b. Were considered as meeting the minimum qualifications for the position		

Action	Action Office	Timetable
c. Took and passed each written and performance test given for the position		
d. Appeared before an oral board and received a qualifying score		
e. Were placed on the employment list for the position		
f. Were ultimately hired.		
2. Analyze the results attained on all examinations administered by the Agency, including findings of oral boards. Determine if any phases of the examination process result in "adverse impact" upon minorities and women. In instances where "adverse impact" is found, initiate appropriate action to improve the examination phases or to validate the examination process involved. Provide the results of these analyses to the Agency Affirmative Action Coordinator.	APO	Continuous
3. Develop and maintain a list of minorities, women and handicapped persons who are qualified and available to serve on screening and oral boards for positions utilized in the Agency.	APO	Continuous
4. Include qualified minorities and women, if possible, on all screening and oral boards conducted by the Agency. To the extent possible, utilize minorities and women who have competency in the job area being tested.	APO	Continuous

5.	Provide for participation, where possible, by members of disabled groups on Agency oral boards concerned with making qualification appraisals of applicants who include handicapped persons.	APO	Continuous
6.	Develop guidelines and advise oral boards about questions they can and cannot ask during interviews.	APO	Accomplished Continuous
7.	Initiate action to establish Spanish or other language eligible lists when it is determined that special language capabilities are necessary for effective accomplishment of Agency functions and that existing lists do not contain persons with the required language skills.	APO	Continuous
8.	Accomplish a review at least every six months of decentralized eligible lists maintained by the Agency and determine if they contain adequate numbers of minorities and women. Where the finding is negative and it can be reasonably expected to recruit minorities and/or women in the positions to which the lists apply, declare those lists deficient and reopen recruitment and testing as necessary to attain adequate representation on such lists of the underutilized groups.	APO	Continuous
9.	Keep the County Personnel Director, County Affirmative Action Officer and Women's Coordinator informed of job classifications utilized by the Agency, for which employment eligible lists are developed by Central Personnel, where minorities, women and handicapped persons are underrepresented. Request that appropriate recruitment actions, with assistance of the Agency, as desired, be taken to assure that members of underrepresented groups are placed on the eligi-	AAC/ APO	Continuous

	ble lists developed by the Central Personnel Office for Agency positions where such groups are underrepresented.		
10.	Assess the adequacy of each employment eligible list provided the Agency by the County Personnel Department. Compile the following data for job classifications where minorities, women or handicapped persons are underrepresented. a. The total numbers and percentages of minorities, women and handicapped persons contained on successive lists provided for individual job classifications. b. The numbers and percentages of minorities, women and handicapped persons from those available on the employment lists selected for employment.	APO	Continuous
11.	Inform the County Personnel Director in writing of eligible lists provided the Agency by Central Personnel found to be inadequate so that he/she can assure that appropriate action is taken by the Personnel Department to reopen the lists and recruit members of underrepresented groups as needed to develop adequate lists.	APO	Continuous
12.	Assure that Division Directors and other persons involved in the hiring process are aware that the County Merit System Rules provide for use of Selective Certification to fill positions where particular abilities, knowledge or traits are required, including necessary language skills.	APO	Continuous

13. Establish a procedure requiring that prior to certifying names for employment selection to Division Directors, the Agency Personnel Office:	APO	6/15/79 Continuous
a. Ascertain the degree of underrepresentation of minorities, women and handicapped persons that exists within the requesting Division in the job classifications to be filled and advise the Division Director accordingly.		
b. Determine the numbers of persons from underrepresented groups who will be certified and informally assure that the Division requesting the certification is aware that it will have the opportunity to consider such persons.		
c. Determine, in positions where Hispanic or other minority persons are underrepresented, whether the positions requtre public contact and would be beneficially filled by a person fluent in Spanish or another language. In instances where such persons are on the eligible list, assure that the requesting Division Director is aware that persons with the desired language capability are on the list and that Selective Certification can be utilized.		
14. Establish a procedure requiring that Division Directors review the ethnic and sexual composition of their work force when they request a list of eligible persons to fill a vacancy. Include in the process a requirement that Division Directors indicate why they did not select minorities, women and handicapped persons if such persons were on the list of eligibles considered and if the Division had an underrepresentation of such persons in the job classification being filled.	AAC/ APO	6/15/79

	Action	Action Office	Timetable
15.	Investigate the possibility of establishing a procedure whereby the top seven persons from an eligible list are referred for consideration for each Transit District position opening and additional persons are referred as needed to permit the hiring supervisor to consider three women and/or ethnic minorities and handicapped persons for positions where these groups are underutilized.	AAC/ APO	7/1/79 Continuous
16.	Advise the Agency Personnel Officer when the employment lists provided the Division do not contain adequate numbers of individuals from groups that are underrepresented in the Division. Also inform the Agency Personnel Officer when Selective Certification is desired to give hiring consideration to persons with desired language capabilities.	ADD	Continuous
17.	Inform job applicants of the reasons for their not being placed on an Agency employment list. Do this to minimize unjustified antagonisms toward the Agency and initiation of discrimination and other complaints because of possible misconceptions of evaluations made by oral boards. As applicable, include in the letters to applicants the facts that:	APO	Accomplished Continuous
	a. Competition for the position was intense with a total of "X" numbers applying and "Y" numbers placed on the Agency eligible employment list.		
	b. Applicant was considered fully qualified for the position, but was merely not placed on the employment list		

because of the lower evaluation score attained relative to scores attained by others of the many applicants.

c. The eligible list will be in effect for "X" period. Subsequently, the list will be reopened and the applicant can again compete for the position at that time.

PART VIII—UPGRADING AND TRAINING

A. *General*

1. Women and minorities are generally underrepresented in administrative, technical, managerial and professional positions in the Agency. At the same time, many are over-educated for the lower level jobs they hold. Thus, one of the key requirements of the EEO Affirmative Action Program is to identify the management efforts to be systematically made that focus on personnel policy and techniques, including classification, counselling, selection, training and development to assure that minorities, women and handicapped persons who are working below their potential are provided the training and other opportunities needed to advance to higher job levels where maximum utilization can be made of their capabilities.

2. One of the main reasons that women are underrepresented in the bus maintenance and other technician and skilled craft job classifications utilized by the Agency is that past practice has been to establish positions at above a trainee level, requiring previous experience for initial placement. Since women have not been traditionally employed in significant numbers in such job classifications, few women in the area work force have been able to meet the entry requirements for most of the bus maintenance classifications utilized by the Agency. This is particularly evident in the fact that of 214 employees working in bus maintenance jobs in the Agency on June 30, 1978, only 27 or 12.6% were women. Twenty-one of these were working as Utility Workers, a position that does not require previous experience in maintenance

3. Thus, in order to truly provide women an adequate opportunity to attain employment in maintenance and other job classifications where they have not been traditionally utilized, the Agency EEO Affirmative Action Program must provide for establishment of entry level positions that will permit entrance into these job fields for women who have not had previous experience in the maintenance area. If this is not done, the situation will continue to exist where women are not hired into positions where they are now underrepresented because they do not have the required entry experience. And, most will never get the experience because they cannot gain entry into such positions. This cycle must be broken if the Agency is to ever attain a meaningful representation of women in the varied bus maintenance job classifications.

4. A number of varied, complementary actions are needed to permit women from outside and from within the Agency to obtain employment in the diverse bus maintenance specialties utilized within the Agency bus maintenance system and in other non-traditional job specialties.

5. Attainment of an appreciable increase in the representation of women in the Agency's bus maintenance work force and establishment of a realistic, continued opportunity for women to attain employment and career progression in the bus maintenance field within the Agency will not be easy. It will require that top priority be given to implementation of the actions subsequently outlined. Also, it will require that both the Agency Personnel Office and the Bus Maintenance Division exercise the maximum degree of imagination, initiative, resourcefulness, perseverence and innovation in carrying out the tasks required to modify the existing personnel process and establish the varied training programs needed to provide women an adequate opportunity to gain employment in all phases of bus maintenance. The same situation holds true in other operational areas in the Agency where women are greatly underrepresented in non-traditional job classifications.

	Action	Action Office	Timetable
B.	*Tasks*		
1.	Review all Agency job classifications utilizing six or more positions where minorities and women are underrepresented. Identify positions where promotional and training opportunities can be improved for underrepresented groups through job restructuring by reducing the gap and increasing the number of steps between present low-skilled and higher skilled jobs.	APO	8/15/79 Continuous
2.	Obtain approval of the Board of Supervisors to establish an Agency Fellowship Program that will enhance the ability of the Transportation Agency to attract qualified professional personnel by offering students of diverse discipline interests, race and sex an on-going program of recruitment, education and full-time summer and part-time academic year employment with the Agency.	DIR	Accomplished 5/24/78
3.	Establish an Agency position classification of Transportation Agency Fellow at the I, II, III and IV level for assignment, utilization and training of participants in the Agency Fellowship Program.	APO	1/15/79
4.	Identify, in cooperation with the Central Personnel Department, as appropriate, training positions which can be established to facilitate entry of minorities, women and handicapped persons into job classifications where they are significantly underutilized.	APO	9/15/79 Continuous

	Action	Action Office	Timetable
5.	Establish, if possible, a Helper, or other comparable entry level position, in every maintenance job classification series which includes six or more positions and in which minorities or women and, where approriate, handicapped persons, are underrepresented. Establish as entry qualifications for these positions the minimum training and/or experience required for effective performance.	APO	4/15/79 Continuous
6.	Identify the areas where establishment or modification of career ladders within the job classifications utilized by the Agency can enhance employment opportunities for under-represented groups and initiate action necessary to bring about desired changes.	APO	Continuous
7.	Develop and implement an Agency on-the-job and classroom training program that will provide persons in the Utility Worker job classification the opportunity to meet the mandatory requirements for entry into the Service Worker job classification or to progress to other Transit District jobs, e.g., Body Shop, Upholstery Shop, Paint Shop, Engine Rebuild, etc.	APO/ FO	3/15/79 Continuous
8.	Develop and implement a training program that will permit Service Workers to acquire the skills and experience needed to progress to Second Class Mechanics.	APO/ FO	4/15/79 Continuous
9.	Establish cooperative working relationships with the San Jose City College School of Apprenticeship and other community colleges and technical training agencies in the area	APO/ FO	4/15/79 Continuous

	and obtain their assistance in developing curriculums for classroom and other training as needed to aid advancement of Agency employees from entry to higher level job classifications in maintenance and related fields.		
10.	Identify the actions needed to establish a formal, State-approved Bus Mechanic Apprenticeship Training Program for the Agency. The major purpose of this program should be to facilitate entry of women and other underrepresented groups into the bus maintenance field and increase their opportunity to progress to the journeyman level.	AAC	Accomplished 6/8/77
11.	Investigate the feasibility of initially establishing an Agency Bus Mechanic Apprenticeship Training Program and subsequently expanding the Program to include other appropriate maintenance specialities required to maintain the County bus fleet.	APO/ FO/ AAC	4/15/79
12.	Develop and implement the Bus Mechanic Apprenticeship Training Program or other equally comprehensive training programs that will facilitate entry and career progression in the bus maintenance field for women and other underrepresented groups in the bus maintenance specialties.	APO/ FO	8/15/79 Continuous
13.	Administer "Extra Help" hiring programs in a manner that provides minorities, women and handicapped persons an equitable opportunity to attain employment and work experience in the Agency in keeping with the goals of the Agency EEO Plan.	APO/ ADD	Continuous

	Action	Action Office	Timetable
14.	Make Agency employees aware of Spanish and other foreign language training available to improve their ability to serve and work with the non-English-speaking persons served by the Agency.	APO	Continuous
15.	Identify minorities and women qualified for upward mobility. Review records of all employees, analyzing and comparing qualifications such as education, experience, seniority, performance records and other factors that may indicate workers who are in jobs below their capabilities.	APO/ ADD	Cotinuous
16.	Establish an Agency career counselling program that facilitates and encourages Agency employees, particularly women, minorities and handicapped persons, to qualify and compete for higher level Agency positions. Include in the system an on-going process that will keep Agency employees informed of projected job opportunities that will result from personnel turnover, establishment of new jobs, etc., and the educational and experience requirements applicable to the positions.	APO/ ADD	7/15/79 Continuous
17.	Establish a procedure that ensures that handicapped persons are counselled and properly trained during and after their probationary periods if appropriate.	APO	8/15/79
18.	Establish a tuition assistance program to aid minorities, women, handicapped and other persons who desire to attend outside educational or training programs which will con-	APO/ ADD	4/15/79 Continuous

	tribute to their job capabilities and advancement opportunities.		
19.	Determine the feasibility of establishing a requirement that a senior maintenance supervisor be assigned to monitor the day-to-day performance of women and other employees, as appropriate, who have been promoted and are serving their probationary periods. Make the supervisor responsible for assuring that the upgraded employees receive the maximum possible opportunity to demonstrate their competence in the positions to which they have been advanced.	APO/ AAC	5/1/79 Continuous
20.	Investigate the desirability of establishing a Women's Committee that includes Agency female employees in professional and management positions who are interested in bringing about improved employment and career progression opportunities for women within the Agency. Purposes of the Committee would include working with the Agency Personnel Office and the County Women's Coordinator in developing and implementing actions necessary to bring about increased representation of women in Agency job classifications where they are underrepresented.	AAC	3/15/79
21.	Maintain statistics on the numbers of persons by sex and ethnic group who: a) enter training as coach operators, b) are eliminated from the training program and c) complete the program satisfactorily.	TO	Continuous
22.	Determine if the sucess rate in completing the coach operator training program by women and minorities is comparable to the success rate attained by other groups. If significant dis-	TO/ AAC	Continuous

Action	Action Office	Timetable
parities exist in elimination rates for minorities and women, determine the causes and actions required for resolution.		
23. Provide Division 265, Amalgamated Transit Union (ATU-265) the maximum possible opportunity to participate cooperatively in the development of training programs or other actions considered by the Agency to bring about improved employment and career progression opportunities for women and other underrepresented groups. The purpose of such cooperative effort should be to give consideration at an early stage to ATU-265 views regarding actions that can be taken to provide such opportunities and thus gain acceptance and support of the programs by ATU-265.	APO/ ADD	Continuous
24. Provide a similar opportunity to Local 715, SEIU, AFL-CIO and other employee organizations concerned with improvement of employment and career progression opportunities for Agency employees, including women and other underrepresented groups.	APO/ ADD	Continuous

PART IX—PROGRAM MONITORING, EVALUATION AND REPORTING

A. *General*

The EEO Plan is an integral part of the Agency personnel management system. The Plan requires that a continuing objective evaluation be made of all phases of the personnel process to assure that minorities, women and handicapped persons are provided an adequate opporunity to gain equitable representation in all job classifications utilized by the Agency and an equitable opportunity to develop their capabilities and progress within the Agency.

B. *Tasks*

1.	Analyze and evaluate recruitment, selection, testing and promotional practices. Identify and initiate actions as appropriate, to eliminate artificial and discriminatory barriers that impact adversely on employment and career progression opportunities for minorities, women and handicapped persons.	APO/ AAC	Continuous
2.	Provide to the Affirmative Action Coordinator as of March 31, and September 30 of each year the following summary statsistics for each employment list established by the Agency. The numbers and percentages of minorities, women and handicapped persons who (Task VII, B1, page 26):	APO	3/31/79 Continuous
	a. Applied for a particular position		
	b. Were considered as meeting the minimum qualifications for the position		
	c. Took and passed each written and performance test given for the position		
	d. Appeared before an oral board and received a qualifying score		
	e. Were placed on the employment list for the position		
	f. Were ultimately hired.		
3.	Analyze the data obtained per item B-2 above and determine the degree of progress being made toward attainment of the Agency's Affirmative Action employment goals. Inform the Director and Agency Personnel Officer of areas where pro-	AAC	4/15/79 Continuous

	Action	Action Office	Timetable
	gress is inadequate and corrective action and increased management emphasis is required.		
4.	Review of March 31 and September 30 of each year data obtained on new hires and releases by EEOC job category, Agency job classification, sex, handicapped status and ethnic group (See Task V, B, 4c, page 20). Identify disparities that reflect adverse impact on the Agency's EEO employment goals. Inform the Director and Agency Personnel Officer of findings and of corrective action deemed appropriate.	AAC	4/15/79 Continuous
5.	Provide the Affirmative Action Coordinator, for analyses purposes, summary statistics as of June 30 and December 31 of each year by sex and ethnic group on the number of persons who: a) entered training as coach operators, b) were eliminated from the training program and c) completed the program satisfactorily.	TO	Continuous
6.	Analyze the work force composition and distribution by Agency Division. Determine where underrepresentation of minorities and women exists and the causes of underrepresentation. Initiate corrective action, as appropriate.	APO/ AAC	Continuous
7.	Keep Division Directors aware of deficiencies in the representation of minorities and women in their Divisions and of opportunities available to them to consider persons from these groups for existing or projected vacancies.	APO/ AAC	Continuous
8.	Develop procedures for submission, investigation and resolution of complaints involving discrimination in employment within the Transportation Agency.	AAC	Accomplished Continuous

9.	Conduct investigations of discrimination complaints. Give emphasis during the investigations to identifying the underlying causes of complaints to preclude recurrence and to correct any existing deficiencies in the personnel administration process.	AAC	Continuous
10.	Keep the Agency Affirmative Action Coordinator informed of all significant current or planned actions that impact upon the Agency's EEO Program, including the following:	APO	Continuous
	a. Existing and projected job vacancies and numbers of personnel to be hired.		
	b. Actions taken or planned to assure maximum consideration for employment of women, minorities and handicapped persons for positions where these groups are underrepresented.		
	c. Information on current recruitment, testing and selection processes which will enable the Affirmative Action Coordinator to respond to queries from minorities, women and handicapped persons and other groups regarding these areas.		
	d. Sex, ethnic categories and handicapped status, if appropriate, of new hires and positions in which placed.		
11.	Develop and maintain current statistical data on the composition and distribution of the Agency work force; the Agency's Affirmative Action employment goals by Division,	APO/ AAC	Continuous

	Action	Action Office	Timetable
	sex, ethnic group, handicapped status and job classification; and other summary information required by the Director to keep him informed of the overall status of the Agency's EEO/Affirmative Action Program.		
12.	Monitor accomplishment of all actions outlined in the Agency Affirmative Action Plan. Where slippages occur in accomplishment of actions from established timetables, determine causes and required action.	AAC	Continuous
13.	Keep the Agency Director informed of the status of the Agency EEO Program in relation to Plan, problems experienced and actions required for resolution.	AAC	Continuous
14.	Provide the Director a bi-monthly report informing him of significant EEO/Affirmative Action activities occurring during the period. Provide information copies of the report to the Agency Division Directors, County Executive, County Board of Supervisors, County Affirmative Action Officer and County Women's Coordinator to keep them aware of significant activities and status of the Agency EEO Program.	AAC	Continuous
15.	Provide the County Affirmative Action Advisory Council and the Social Concerns Committee of the County Transportation Commission data, as may be required, pertaining to the Agency EEO Affirmative Action Program.	AAC	Continuous
16.	Compile and submit the Annual EEO-4 report required by the Equal Employment Opportunity Commission.	APO/ AAC	Continuous

17.	Provide the Affirmative Action Coordinator on a continuing basis copies of employment analyses and other data developed by the Agency Personnel Office which may be helpful in assessing progress toward attainment of the Agency's Affirmative Action employment goals and to prepare required status reports on the Agency EEO Program.	APO	Continuous
18.	Prepare as of December 31 of each year a summary report of the Agency's EEO/Affirmative Action Program for submission to the County Executive, County Board of Supervisors, County Transportation Commission, County Affirmative Action Advisory Council and other appropriate individuals or agencies. Include the following in the report:	AAC	Continuous
	a. Significant actions taken since the last report.		
	b. Current composition and distribution of the Agency work force by handicapped persons, sex, ethnic category and major job classifications.		
	c. Progress made during the preceding year toward attainment of the program's goals.		
	d. Actions taken, underway or projected, to attain the program's objectives.		
	e. Special problem areas and actions required for their resolution.		

PART X—EXTERNAL EMPLOYMENT

A. *General*

1. The Transportation Agency is required to assure that contractors, both construction and

non-construction, involved in Federally and State-assisted projects comply with the Equal Employment Opportunity requirement established by Federal and State directives applicable to such projects.

2. Executive Order 11246, as amended, requires that all Government contracting agencies include in every government contract the requirement that the contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. Also, it requires that contractors take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Additionally, the Order requires that each contractor having a contract containing these provisions must file and require subcontractors to file compliance reports with the contracting agency or Secretary of Labor as may be directed. Compliance with the New Model Federal EEO Bid Conditions placed in effect by the Secretary of Labor on September 1, 1976, satisfies the requirements of Executive Order 11246, as amended.

3. Revised Order No. 4, Affirmative Action Guidelines, issued by the Office of Federal Contract Compliance Programs imposes similar requirements on Federal non-construction contractors and subcontractors. Other Federal and State guidelines and directives expand on the requirements imposed by Executive Order 11246 and related directives.

4. Section 503 of the 1973 Rehabilitation Act, issued by the U.S. Department of Labor, April 9, 1976, requires all contractors with a Federal government contract in excess of $2,500 to take affirmative action in hiring qualified handicapped individuals, and to treat these individuals without discrimination based upon their physical or mental handicap in all employment practices.

5. The Transportation Agency is required by these and other related Federal and State directives to assure that contractors involved in Agency projects comply with applicable EEO requirements established by such directives. Tasks to be accomplished to ensure compliance with such requirements are subsequently outlined.

	Action	Action Office	Timetable
B.	*Tasks*		
1.	Obtain approval of the Santa Clara County Board of Supervisors to make the New Model Federal EEO Bid Conditions, implemented by the Secretary of Labor on September 1, 1976, applicable to all construction contracts awarded by the County. (As issued, the New Bid Conditions were specifically applicable to only non-exempt Federal and Federally assisted construction projects.)	DIR	Accomplished 12/20/76
2.	Incorporate the requirement to comply with the New Model Federal EEO Bid Conditions into all construction contracts.	TD	Accomplished Continuous
3.	Assure that contracts concluded by the Agency contain the Equal Employment Opportunity and non-discrimination clauses required by UMTA and other Federal or State Agencies.	TD	Accomplished Continuous
4.	Establish procedures, as required, to assure understanding and compliance by contractors with the requirements of the New Model Federal EEO Bid Conditions, Executive Order 11246, and other applicable Federal, State or County policies and directives.	RO/ AAC	Accomplished Continuous
5.	Review contractor employment and related reports and make on-site inspection of contractor work forces as required to assure compliance with established EEO/Affirmative Action requirements. Initiate appropriate corrective action in instances where contractors are found to be in non-compliance.	RO/ AAC	Continuous

	Action	Action Office	Timetable
6.	Submit EEO/Affirmative Action reports, as required, to the Department of Labor and other appropriate Federal or State monitoring agencies.	RO	Continuous
7.	Incorporate in the annual report on the Agency Affirmative Action Program submitted to the County Board of Supervisors data reflecting the utilization of minorities and women by contractors engaged in Agency projects in relation to minority utilization goals established by the New Model Federal EEO Bid Conditions.	AAC	Continuous
8.	Accomplish the following actions in regard to consultant, research and other types of contracts and agreements not subject to the requirements of the New Model Federal EEO Bid Conditions:		
	a. Include requests for Affirmative Action Plan commitments in Requests for Proposals.	TD	Continuous
	b. Require that each proposal give the present level of minority utilization by consultant and his/her plans for minority utilization during the life of the contract. Utilization of women in roles from which they have traditionally been excluded will be evaluated in a similar manner to minority utilization.	TD	Continuous
	c. Incorporate the Affirmative Action commitment into the contract with the consultant selected.	TD	Continuous
	d. Require that upon contract completion, the consultant	TD/ ADD	Continuous

report the degree of conformance to his/her minority utilization plans. For contracts of long duration, provide for periodic reporting.

e.	Consider the degree to which consultants met their Affirmative Action commitments when negotiating additional contracts.	ADD	Continuous
9.	Provide Invitations-do-Bid, Requests for Proposals, etc., to the Agency Affirmative Action Coordinator prior to submission to the County Board of Supervisors to assure that applicable EEO/Affirmative Action requirements have been included.	ADD	Continuous

PART XI—PROGRAM UNDERSTANDING AND SUPPORT

A. *General*

1. For the Equal Employment Opportunity Program to attain effective results, all Agency managers and employees must be aware of the commitment of the County and Transit District Boards of Supervisors to the objectives and requirements of the Agency Program. Similarly, the Program must be publicized and made known to the community at large.

2. The following actions will be taken to enhance such understanding and to minimize development of antagonisms and apprehensions resulting from misconceptions about the program.

	Action	Action Office	Timetable
B.	*Within the Transportation Agency*		
1.	Provide sufficient copies of the Agency Affirmative Action Plan to the Agency Division Directors for distribution to supervisory personnel and interested employees.	AAC	1/15/79 Continuous

Action	Action Office	Timetable
2. Hold special meetings, as necessary, to acquaint Division Directors, supervisors and other employees with the Program, to include the following:	AAC	Continuous
a. County Equal Employment Opportunity Policy, adopted by the Board of Supervisors on August 7, 1971, and the objectives of the County Affirmative Action Program.		
b. Background and reasons for establishment of the County Affirmative Action Program and Agency EEO Program.		
c. Objectives of the Agency EEO Affirmative Action Program.		
d. Responsibilities of the Agency's Affirmative Action Coordinator, Division Directors, Personnel Officer and Supervisory personnel for implementation of the Agency EEO Affirmative Action Program.		
e. General manner in which the Agency program is administered and coordinated.		
f. Composition and distribution by sex, ethnic group and handicapped status of the County and Agency work force and the main areas where underutilization of these groups exists.		
g. Programs and actions underway or projected to correct areas of underutilization.		

	h. Actions required of supervisors and management personnel to assure understanding of the program by all Agency employees and to enhance attainment of the program's objectives.		
3.	Keep Division Directors informed of the status of the Agency Affirmative Action Program including problem areas and actions or support required from them to ensure attainment of the program's objectives.	AAC	Continuous
4.	Furnish Division Directors copies of the bi-monthly reports on the Agency Affirmative Action Program provided to the Director and, as appropriate, status reports submitted to the Board of Supervisors, Transportation Commission and other agencies.	AAC	Continuous
C.	*Outside the Transportation Agency*		
1.	Provide copies of the Agency EEO Plan to the following:	AAC	1/15/79 Continuous
	a. County Board of Supervisors, County Executive, County Transportation Commission, County Personnel Director, County Affirmative Action Officer, County Women's Coordinator, Commission on the Status of Women, Human Relations Commission, Affirmative Action Advisory Council and other County Agencies or individuals concerned with or interested in the Agency's EEO Program.		
	b. Civil Rights Officer, Region IX, UMTA; Civil Rights Officer, California Department of Transportation; Affirmative Action Officer, Metropolitan Transportation		

	Action	Action Office	Timetable
	Commission and other interested governmental agencies or individuals.		
	c. All local women's, ethnic minority and handicapped community groups which are interested or concerned with the County and Agency's EEO Programs, and other interested community groups and individuals.		
2.	Assist the Director in interpreting the Agency's Affirmative Action Program to interested community organizations and agencies and other elements of the public.	AAC	Continuous
3.	Maintain continuous liaison with local Commissions and community groups which demonstrate special interest in the Agency's Affirmative Action Program and strive to maintain their understanding and support of the program.	AAC	Continuous
4.	Keep the Agency Information Officer informed of significant developments in the program and items of special interest that may merit release to the news media or publication in Agency newsletters.	AAC	Continuous

* * *

[Deleted Charts did not conform to Supreme Court printing specifications. See Supplemental Excerpt of Record pp. 61-74.]

ABBREVIATIONS AND DEFINTIONS

A. *Abbreviations for Action Responsible Persons*

1. AAC Affirmative Action Coordinator
2. ADD All Division Directors
3. ADM Director of Administration
4. AO Director of Aviation
5. APO Agency Personnel Officer
6. DIR Director, Transportation Agency
7. FO Director of Fleet Operations
8. RO Director of Roads Operations
9. SA Special Assistant to the Agency Director
10. TD Director of Transportation Development
11. TO Director of Transit Operations

B. *Ethnic Group Categories*

The concept of race as used by the Equal Employment Opportunity Commission does not denote clearcut scientific definitions of anthropological origins. For the purposes of this Plan, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic category.

The category "Hispanic" while not a race identification, is included as a separate ethnic category because of the employment discrimination often encountered by this group; for this reason do not include "Hispanic" under either "White" or "Black". For the purpose of this Plan, the following race/ethnic categories will be used:

1. The category "White" (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian Subcontinent.

2. The category "Black" (not of Hispanic origin): All persons having origins in any of the Black racial groups.

3. The category "Hispanic": All persons of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish culture or origin, regardless of race.

4. The category "Asian or Pacific Islanders": All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea and Samoa.

5. The category "American Indian or Alaskan Native": All persons having origins in any of the original peoples of North America.

6. The category "Filipino": Includes persons of Filipino descent.

C. Definition of Handicapped Persons (State of California Personnel Board Affirmative Action Guidelines for the Disabled)

1. *General*

a. A *Handicapped Person* as defined by Section 504 of the Rehabilitation Act of 1973 is a person who:

(1) Has a physical or mental impairment which substantially limits one or more of such person's life activities;

(2) Has a record of such impairment; or

(3) Is regarded as having such an impairment.

b. The term *handicapped individual* is synonymous with the term "disabled person" or "person with disabilities" or similar variations. The preferred term in the disabled community is "disabled", while the Federal legal and regulating term is "handicapped".

c. Generally, a *disability* is defined as a condition of impairment, physical or mental, having an objective aspect that can usually be described by a physician.

d. Conversely, a *handicap* is defined as the cumulative result of the obstacles which a disability interposes between the individual and his/her maximum functioning level.

2. Interpretation of Terms in Definition

a. *"Physical or mental impairments"* are not, in general, defined by listing specific conditions and diseases because of the difficulty of ensuring the comprehensiveness of any such list. The term includes, but is not limited to:

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; sense organs;

respiratory; speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, emotional or mental illness, and specific learning disabilities.

b. *"Major life activities"* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

c. *"Has a record of such impairment"* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

d. *"Is regarded as having such an impairment"* means (1) has a physical or mental impairment that may not substantially limit major life activities but that is treated by an employer as constituting such a limitation; (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of other toward such impairment; or (3) has no impairments but is treated by an employer as having such an impairment.

3. A disabled person is substantially limited if such person is likely to experience difficulty in securing, retaining or advancing in employment because of a disability.

4. A disabled person is *qualified* when such person is capable of performing a particular job with reason-

able accommodation relative to such person's disability.

5. The above definition and interpretation identifies who may be considered disabled and should be included in affirmative action plans and programs for the disabled. Individuals with acute disabling conditions such as appendicitis, broken arms, pulled muscles, etc., which are not stabilized will not meet the definition of "disabled person" until the permanence of the residual medical impairment is determined and the condition has been demonstrated.

6. Affirmative action goals and timetables should be established for disabled persons with physical or mental impairments which with reasonable accommodation do not interfere with job performance.

   a. *Visual*—persons who are legally blind in one or both eyes and whose visual acuity even after correction (eyeglasses or contact lenses) is 20/200 visual acuity or restricted in the visual field to 20 degrees.

   b. *Hearing*—persons with total deafness or inability to hear a normal conversation and/or use a telephone without the aid of an assistive devise.

   c. *Speech*—persons with speech impairments when speech is unintelligible in normal conversation.

   d. *Physical*—persons with orthopedic impairments, amputations or functioning limitations if there is: (1) loss or significant impairment

of one or both upper extremities; (2) loss or significant impairment of one or both major lower extremities; and (3) impairments of the trunk, back, or spine when there is a medically diagnosed disability which substantially limits one or more major life activities.

e. *Development Disabilities*—persons who meet the legal definition or have been identified as developmentally disabled. This includes autism, cerebral palsy, epilepsy, mental retardation and other neurological impairments.

D. *Reasonable Accommodation For Handicapped Persons* (State of California Personnel Board Affirmative Action Guidelines for the Disabled)

1. Reasonable Accommodation

a. The Rehabilitation Act of 1973, Sections 503 and 504, require employers to make reasonable accommodation to the physical or mental limitations of a disabled applicant or employee. Reasonable accommodation is defined as efforts made on the part of the employer to remove artificial or real barriers which prevent or limit employment of disabled persons.

b. Reasonable accommodation, if needed, should be made available to all applicants and employees that meet the criteria of the State's definition of a "qualified disabled person".

c. This applies to all aspects of the personnel system beginning with the initial examination through the promotion process. It applies to

persons with all types and categories of impairments and includes applicants, new employees, current employees and reinstating employees. It is estimated that approximately five percent of the disabled applicants and employees will require exceptional consideration regarding reasonable accommodation.

2. Employment Opportunity

   a. Departments shall not deny any employment opportunity to a qualified disabled applicant or employee, if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the applicant or employee.

   b. Departments shall make reasonable accommodation to the known physical or mental limitations of qualified disabled applicants or employees, including persons who become disabled while employed with the State, unless the State agency can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

3. Considerations in Providing Reasonable Accommodation

   The following factors may be considered by agencies in determining whether an accommodation would impose an undue hardship:

   a. The overall size of the program or agency with respect to the number of employees; number and type of facilities; and size of budget.

b. The type of agency operation, including the composition and structure of the agency's work force.

c. The nature and cost of the accommodation.

4. Individualized Accommodation

a. Reasonable accommodation means basically that each situation is approached on an individual basis. No preconceived ideas other than providing a qualified worker an opportunity to excel should be present.

b. The provision of reasonable accommodation may mean making physical changes to building structures, installation of specialized equipment, purchase of individual assistive devices, job site modification, job restructuring and related accommodations including the provision of readers and interpreters.

5. Provision of Reasonable Accommodation

It shall be the responsibility of the hiring agency to provide reasonable accommodation to qualified disabled applicants and employees. The provision of reasonable accommodation includes, but is not limited to the following:

a. *Equipment and Assistive Devices*—The provision of equipment may include: special telephone equipment; "talking" calculators; "one-handed" typewriters; closed-circuit televisions; specially designed desks; "TTY" telephone communication equipment; and other types of equipment to facilitate the per-

formance of job duties. The provision of assistive devices encompasses "off the shelf" devices as well as those custom designed for the individual's particular needs, such as, mouth sticks, communication devices, and related special equipment.

b. *Job Site Modification*—The planning and provision of accessibility to existing facilities may be required in order for disabled individuals to engage in work activities. Modifications may include adjustments to equipment height, addition of electrical outlets, rearrangement of furniture and equipment, widening doorways or the relocation of the job site to an accessible area, and other types of similar modifications.

c. *Job Restructuring*—The restructuring of jobs may include modifying work hours and/or changes in job duties while retaining the basic class criteria. Arrangements must be considered for full-time and permanent-intermittent employment. Job sharing and flexible hours will permit medical appointments, medical dietary requirements and other related needs of disabled employees.

d. *Support Services*—Support services include interpreters for deaf persons, readers for persons who have visual impairments, assistants for persons who are severely disabled, i.e., quadriplegia, and drivers for mobility limited persons. Persons providing support services shall not perform job tasks, but facilitate the employee's job performance.

E. *Description of Job Categories Identified in the Plan*

1. *Officials and Administrators:* Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the Agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: Department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, examiners, wardens, superintendents, sheriffs, police and fire chiefs, and inspectors and kindred workers.

2. *Professionals:* Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, system analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants and kindred workers.

3. *Technicians:* Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers and operators, draftsmen, surveyors, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, elec-

tronic, physical sciences), assessors, inspectors, police and fire sergeants and kindred workers.

4. *Protective Service Workers:* Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, fire fighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers and kindred workers.

5. *Paraprofessionls:* Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes: library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemakers aides, home health aides and kindred workers.

6. *Office and Clerical:* Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks and kindred workers.

7. *Skilled Craft Workers:* Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairmen; electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters and kindred workers.

8. *Service-Maintenance:* Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, construction laborers.

Office of the County Executive
County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110

COUNTY OF SANTA CLARA 299-2424 Area Code 408
CALIFORNIA

[ADDENDUM]

October 1981
TO: Department Heads/Appointing Authorities
FROM: Sally Reed, County Executive
SUBJECT: Affirmative Action

The County of Santa Clara is committed to an aggressive affirmative action policy. In order to assist you in meeting these goals in your department, the Personnel Department will be initiating a form (see below) to be attached to selective certification lists. The information will assure that you are aware of the affirmative action implications of each appointment. The form is not intended to dictate your department's appointments as effective management mandates that the most qualified person be appointed.

Following is the form to be attached to selective certification lists.

TO: Appointing Authority
FROM: Sally Reid, County Executive

The County of Santa Clara is committed to an aggressive affirmative action policy. The attached certification list is for a classification deficient in the protected groups checked. Affirmative action should be considered in filling this vacancy.

American Indians/Alaskan Natives	( )	Females	( )
Asians/Pacific Islander	( )	Filipinos	( )
Blacks	( )	Hispanics	( )
Disabled	( )		

An Equal Opportunity Employer

AFFIRMATIVE ACTION PLAN
COUNTY OF SANTA CLARA

Adopted October 16, 1979

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SANTA CLARA COUNTY BOARD OF SUPERVISORS EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the Santa Clara County Board of Supervisors that no person shall be discriminated against with regard to recruitment, selection, appointment, training, promotion, retention, discipline or other aspects of employment because of race, color, national origin, creed, religion, sex, age, disabled status, political beliefs, organizational affiliations and sexual orientation.

Further, it is the policy of the Board of Supervisors that affirmative, imaginative and continuing action will be taken to:

—Attain a work force in all Agencies and Departments which includes in all job categories minorities, women, and disabled persons in numbers consistent with the ratio of these groups in the Santa Clara County area work force.

—Remove all non-job related barriers to employment and promotion of minorities, women and disabled persons.

—Recruit, select and employ bilingual and bicultural persons in all categories as needed to provide adequate services to all segments of the Santa Clara County community with special emphasis toward the County's Spanish-speaking, Asian or Pacific Islanders and other significantly represented bilingual, bicultural groups.

The Board recognizes that these policies cannot be implemented solely through the prohibition of discriminatory employment practices. Continuing affirmative action must be taken to remedy the effects of past practices in order to develop a County work force whose make-up re-

flects the composition of the Santa Clara County community.

The Board of Supervisors charges and holds the County Executive accountable for developing, implementing and administering an Equal Employment Opportunity Affirmative Action Program to carry out these policies and employment objectives.

This Equal Employment Opportunity (EEO) Policy replaces Personnel Policy 200 adopted August 7, 1971. This EEO Policy and supporting Equal Employment Opportunity Affirmative Action Plan is approved this date, October 16, 1979.

/s/ Dominic L. Cortese, Chairperson
Board of Supervisors

EXECUTIVE DIRECTIVE TO DEPARTMENT AND AGENCY DIRECTORS

The Santa Clara County Board of Supervisors has established as a primary goal the attainment of a County work force whose composition in all County Departments and Agencies includes women, disabled persons and ethnic minorities in a ratio in all job categories that reflects their distribution in the Santa Clara County area work force.

To accomplish this goal, the Board has approved this Equal Employment Opportunity (EEO) Affirmative Action Plan. It sets forth the actions to be accomplished, assigns responsibility and establishes timetables for their accomplishment.

All County Department/Agency Directors shall give top priority toward meeting the requirements of the Plan

pertaining to their areas of responsibility. I expect each Director to serve as the Affirmative Action Officer for his/her organization and to personally assure that all applicable actions outlined in this EEO Affirmative Action Plan are accomplished effectively in accordance with the established timetables. Each Director will be held personally responsible and accountable for development and effective implementation of a supporting Department/Agency EEO Affirmative Action Plan for their organization.

Department/Agency Directors may appoint an Affirmative Action Coordinator to provide the staff guidance and coordination necessary to carry out the Equal Employment Opportunity responsibilities applicable to their organization. However, such individuals must be persons in top management positions which report directly to the Department/Agency Director for purposes of Affirmative Action coordination.

Implementation of the County's EEO Affirmative Action Plan and the individual Department/Agency Affirmative Action Plans should result in a statistically, measurable improvement in the representation of women, minorities and disabled persons in all major County job classifications where these groups are currently underrepresented.

The progress made by each County Department/Agency toward attainment of their established employment goals shall be reviewed each year during the Board's consideration of the annual Departmental/Agency budget.

I will be developing an annual evaluation plan for County managers for whom I have appointment respon-

sibility. An important feature of this evaluation plan will be the adequacy of their efforts to comply with the Board of Supervisors EEO Policy and to comply with the requirements of the County EEO Plan applicable to their organization.

/s/ William M. Siegel
County Executive

RESPONSIBILITIES

The County's Equal Employment Opportunity (EEO) Affirmative Action Program is an integral part of the County's Personnel Management System. Responsibility for its implementation lies with the County Executive. This responsibility is executed through the Equal Opportunities Division within the County Executive's Office, the County Personnel Department and the Directors of the individual County Departments and Agencies.

A. *County Executive*

The County Executive is accountable to the Board of Supervisors for development, implementation and administration of the County's EEO Affirmative Action Plan. This Plan, approved by the Board of Supervisors, outlines and assigns responsibility for accomplishment of the actions to be taken to implement the Board's EEO Policy and to comply with Federal and State Equal Opportunity requirements applicable to the County.

The County Executive shall ensure that all County Department/Agency Directors aggressively and effectively carry out the responsibilities assigned them under the Plan.

B. *County Equal Opportunities Director*

The County Equal Opportunities Director (EOD) will report directly to the County Executive and serve as his/her principal staff assistant for the administration of the County's EEO Affirmative Action Program. The EOD will attend the County Executive's regular Department/Agency Director staff meetings and other top level management meetings concerned with EEO issues and decisions. The EOD will be provided access to all pertinent employment data, including but not limited to test results and certification lists within the County Personnel Department and other Departments/Agencies as needed to carry out his/her responsibilities.

The EOD will be responsible for supervision of the County Equal Opportunities Division. The Division will include a Women's Coordinator, a Minority Coordinator, and a Disabled Equal Opportunity Program Coordinator.

Specific Responsibilities of the Equal Opportunities Division include:

1. Monitoring and coordinating the Plan's implementation and related County Affirmative Action activities. Developing program guidance. Identifying problem areas and actions required for resolution.
2. Providing the County Departments/Agencies, County Council on Equal Employment Opportunities and interested community groups an adequate continuing opportunity to recommend changes for improvement of the EEO Affirmative Action Program and to express their views relative to any major changes in the Program that may be proposed.

3. Revising the County EEO Affirmative Action Plan as needed to adequately address all major actions that need to be taken to attain the Program's objectives.
4. Providing assistance and guidance to all County Department/Agency Directors as required to assure accomplishment of the affirmative action tasks and activities outlined in the Plan applicable to their functional areas of responsibility.
5. Undertaking specific programs to help the County Departments/Agencies identify and remove unnecessary barriers that have kept the County from attaining a work force that reflects the sex and ethnic composition of the Santa Clara County area work force and to work in partnership with Departments/Agencies to develop and implement creative ways to produce desired Affirmative Action results.
6. Assisting the County Personnel Department and Departmental Personnel staffs to the maximum degree possible to carry out recruitment activities essential to attainment of the County EEO Plan's employment objectives. This shall include assuming a major role in the development and implementation of recruitment programs, techniques and methods to make protected group members aware of County job opportunities and to motivate them to compete for positions in job classifications where they are underrepresented.
7. Ensuring compliance with all requirements pertaining to the employment of disabled persons established by Section 503 and 504 of the Rehabilitation Act of 1973, California Code Sections 19230-19237 (AB 1309) and other related Federal and State Directives.
8. Keeping the County Executive and Department/Agency Directors informed of the status of the County

EEO Affirmative Action Program, including problem areas and actions required for successful attainment of the Program's objectives.

9. Assisting the County Executive to interpret the program to interested community agencies and individuals and keeping the County Board of Supervisors and other appropriate individuals and activities informed of the status of the Program.

10. Serving as staff to the County Council on Equal Employment Opportunities.

C. *County Personnel Director*

The tasks that shall be accomplished to attain the objectives of the County Affirmative Action Program are primarily concerned with the Personnel steps to be taken in recruitment and selection, position classification, training and upgrading and other actions necessary to provide maximum employment and career progression opportunities to women, minorities and disabled persons in job classifications where they are underrepresented.

The Director, County Personnel Department is responsible for accomplishing a broad range of actions in these Personnel areas and total spectrum of the Personnel process that directly affect the capability of the County Departments/Agencies to carry out the requirements of the County's EEO Affirmative Action Program applicable to them.

Thus, major responsibility for successful implementation of the Program resides with the County Personnel Director. Successful attainment of the Program's employment objectives will be largely dependent on the initiative, imagination and resourcefulness of the Coun-

ty Personnel Department's staff in cooperation with the Equal Opportunities Division in carrying out the varied complex tasks that need to be centrally accomplished to permit attainment of the goals applicable to individual County Departments/Agencies

D. *County Department/Agency Directors*

Each County Department/Agency Director is personally responsible for assuring accomplishment of all tasks set forth in the County's EEO Affirmative Action Plan applicable to their Departments/Agencies. This includes establishment of employment goals and, in cooperation with the County Equal Opportunities Division, development of a Department/Agency Affirmative Action Plan that identifies Department/Agency objectives, assigns responsibility and establishes timetables for the tasks to be accomplished to ensure attainment.

For Affirmative Action Program coordination, each Department/Agency Director will either personally administer his/her applicable EEO Affirmative Action Plan or assign this responsibility to a person in a top level management position that reports directly to them.

Every County Department/Agency Director shall aggressively pursue implementation of the County EEO Affirmative Action Program and attainment of its objectives.

The degree to which each Department/Agency attains its EEO Affirmative Action goals will provide a direct measure of that Department/Agency Director's commitment and effectiveness in implementing and carrying out the EEO Policy established by the County Board of Supervisors.

The County Executive will consider the commitment to and results attained by each Department/Agency Director in carrying out the Board of Supervisors EEO Policy as an important element in evaluating their effectiveness as managers.

E. *Council on Equal Employment Opportunities*

The Council on Equal Employment Opportunities (CEEO) will serve in an advisory capacity to the County Board of Supervisors, County Executive and County Equal Opportunities Director in regards to development, implementation and administration of the County EEO Affirmative Action Program. CEEO will monitor and evaluate the program and recommend action, as deemed appropriate, to ensure that equitable employment training and upgrading opportunities are provided minorities, women and disabled persons in all County employment areas and job levels. Also, it will recommend actions considered necessary to enhance attainment of the County EEO Plan's employment objectives. The make-up of the Council, scope of its responsibilities and authority and operational procedures are as outlined in Chapter VII to Division A-25 of the Santa Clara County Ordinance Code and the Council's By-Laws as approved by the County Board of Supervisors.

PART I
EMPLOYMENT GOALS

A. *Long-Range Employment Goals*

1. The County's long-range Equal Employment Opportunity goal is to attain a work force whose composition in all job classifications and employment levels reflects the distribution of women, minority

and disabled persons in the Santa Clara County area work force.

2. The County long-range employment goals established for women, minority groups and disabled persons are outlined below. The goals are based on the demographics of these groups in the area work force as indicated in the 1970 Census.

Females	36.4%	American Indian or Alaskan Native	0.4%*
Hispanic	14.8%		
Black	1.6%	Filipino	0.6%*
Asian or Pacific Islanders	2.3%*	Disabled Persons	6.5%*

*Population Data—work force statistics not available.

The goals indicated above, except for the category "Female", include attainment of percentages of women within individual ethnic minority and "Disabled Persons" categories consistent with the distribution of women in these categories in the Santa Clara County area work force.

3. The County long-range goals outlined above will be revised when the 1980 Census is published in accordance with the 1980 Census findings. Also, a determination will be made based on the 1980 Census findings as to the desirability of establishing more definitive goals within each of the "Protected Group" categories.

4. Goal Attainment Process

A number of factors make it more difficult to attain the County's Equal Opportunity employment goals in some job classifications than in others. Consequently, the goal is to attain the Plan's employment objectives by successive stages as follows:

a. By major job category for the overall County, as established by the U.S. Employment Opportunity Commission:

1) Officials and Administrators

2) Professionals

3) Technicians

4) Protective Service Workers

5) Para-Professionals

6) Office and Clerical

7) Skilled Craft Workers

8) Service and Maintenance

b. By Department/Agency and major job classification (e.g., Lawyers, Nurses, Engineers, Management Analysts, Bus Mechanics, etc.).

B. *Yearly Employment Goals*

1. The long-range parity employment goals for women, minorities and disabled persons established by the County Board of Supervisors EEO Policy can best be attained by setting realistic yearly employment goals for each County Department and Agency. Such short-term yearly goals are necessary to permit:

a. Establishment of realistic goals for individual County Departments and Agencies that are based on specific deficiencies existing in their work forces and the best known projections of positions to be filled during the year in job classifications where women, minorities or disabled persons are underrepresented.

NOTE: The "goals" established for each County Department/Agency should not be construed as "quotas" that must be met. The "goals" should rather be seen as realistic desired levels of achievement correcting imbalances in a Department/Agency work force. Goals should take into account such factors as turnover, layoffs, lateral transfers, new job openings, retirements and availability of minorities, women and disabled persons in the area work force who possess the desired qualifications or potential for placement. Recognition should be given the fact that it will take longer to correct imbalances in job classifications requiring specialized education and professional skills than it will in other occupations.

b. Adjustment of County EEO hiring goals as may be dictated by expansions of County programs or by limitations on hiring or reductions in the County work force resulting from financial restrictions imposed by Proposition 13 or other factors.

c. To facilitate review by the Board of Supervisors of progress made by Departments/Agencies toward attainment of their yearly EEO employment goals, the Affirmative Action Year will be considered as starting on October 1 of one year and terminating on September 30 of the following year.

2. To establish a uniform goal development process, including standardized formats, the Equal Opportunities Division will develop and provide to De-

partments/Agencies by June 1 of each year written guidelines for development of their yearly EEO Plans. These plans will cover the coming Affirmative Action Year which will begin October 1 and extend through September 30 of the following year. The guidelines will provide guidance for accomplishment of the following:

a. A Work Force Utilization Analysis of the Department/Agency work force that identifies existing deficiencies in the representation of women, minorities and disabled persons.

b. Establishment of realistic yearly employment goals to increase the representation of women, minorities and disabled persons in EEOC job categories and job classifications where these groups are underrepresented.

c. Development of individual Department/Agency EEO Plans outlining the special efforts to be made to attain the established yearly EEO hiring goals (see PART VIII Departmental/Agency Affirmative Action Plans for definitive requirements).

3. The guidance furnished Departments/Agencies for establishment of their yearly EEO employment goals will provide for review of these goals as of March 31, the mid-point of the Affirmative Action Year. This review will be accomplished by all Departments/Agencies. If changes in employment goals are dictated because of significant expansions or contractions of Department/Agency programs, revised goals will be established in cooperation with the Equal Opportunities Division.

PART II

ANALYSIS OF CURRENT CONDITIONS

A. *Work Force Utilization Analysis*

This section outlines the various analysis to be made of the County's work force. Purposes of these analyses are to:

1. Provide a comprehensive statistical picture of the composition and distribution of the County work force by EEOC job category, sex, disabled status and individual ethnic groups (Hispanics, Blacks, Asians or Pacific Islanders, American Indians or Alaskan Natives, and Filipinos).
2. Identify the specific employment areas where minorities, women, and disabled persons are underrepresented and the attention of the County Executive and Department/Agency Directors is particularly required, to ensure acceptable progress toward attainment of the County's EEO employment goals.
3. Establish basic benchmarks from which to measure future progress toward attainment of the employment objectives established by the County and Departmental EEO Affirmative Action plans.
4. Accomplish a continuing evaluation of progress made toward attainment of the County's employment goals and to identify areas where increased management attention and emphasis is required to enhance their successful achievement.

B. *Analyses Tasks*

1. Review by December 31, 1979, in cooperation with Departmental Personnel Officers as appropriate,

the categorization of all County and Transit District job classifications and assure proper allocation into the eight major job categories established by the Equal Employment Opportunity Commission (EEOC). Establish procedures to be followed in allocating newly established job classifications into appropriate EEOC job categories. Accomplish a continuing review annually as of December 31 to assure proper allocation of job classifications in accordance with the EEOC guidelines pertaining to the EEOC EEO-4 annual reporting requirement. . . .

* * *

5. *Paraprofessionals:* Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes: library, assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemakers aides, home health aides and kindred workers.

6. *Office and Clerical:* Occupations in which workers are responsible for internal and external communications, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks and kindred workers.

7. *Skilled Craft Workers:* Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairmen, electricians, heavy equipment operators, stationary engineers, skilled machinery occupations, carpenters, compositors and typesetters and kindred workers.

8. *Service-Maintenance:* Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundkeepers, refuse collectors, construction laborers.

GLOSSARY OF TERMS

AFFECTED CLASS—those groups of minorities, females, the elderly, and the disabled who by virtue of past discrimination continue to suffer the effects of such discrimination. Affected class status must be determined by analysis or court decision.

AFFIRMATIVE ACTION—any activity initiated by an employer which contributes toward the greater utilization

of minorities, females, the elderly, and the disabled, including goals established by units and timetables for completion.

AFFIRMATIVE ACTION PROGRAM—Affirmative Action Program is a set of specific and result-oriented procedures to which an organization commits itself to apply every good effort. The objectives of those procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable Affirmative Action Program must include an analysis of areas within which the organization is deficient in the utilization of minority groups, women and disabled, and further, goals and timetables to which the organization's good faith efforts must be directed to correct the deficiencies and, thus to achieve prompt and full utilization of minorities, women and disabled at all levels and in all segments of the work force where deficiencies exist.

CIVIL RIGHTS ACT OF 1964 (TITLE VII) AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972—the first legislation to make it an unlawful employment practice to discriminate on the basis of race, color, religion, sex, or natural origin. All other Federal and State EEO Legislation is patterned after or supportive of TITLE VII.

DISPARATE EFFECT OR DISPARATE IMPACT—the result of an employment policy, practice, or procedure that, in practical application, has less favorable consequences for an affirmative action group than for the dominant group.

AGENCYWIDE PARITY—when the proportion of affirmative action groups in the external labor market is equiv-

alent to their proportion in the County work force without reference to classification.

EEOC—a Federal Commission on Equal Employment Opportunity which has the power to bring suits, subpoena witnesses, issue guidelines which have the force of law, render decisions, provide technical assistance to employers, provide legal assistance to complainants, etc.

GOALS—good faith quantitative objectives which an employer voluntarily sets as the minimum progress he/she can make within a certain time period through his/her all out efforts at outreach recruitment, validating selection criteria, creation of trainee positions, career ladders, etc. Goals and objectives are considered proper and legal responses to underutilization by Federal and State compliance agencies.

HUMAN RELATIONS TRAINING—interpersonal skill development, especially with respect to affirmative action group awareness, communication, and compatible attitude development. Techniques may include seminars, workshops, role reversal, attitude assessment, etc.

OBJECTIVES—similar to goals, a good faith effort to meet numerical goals through modifications in the employment procedures and practice. Goals and objectives are set after careful external and internal labor analysis.

OCCUPATIONAL PARITY—when the proportion of affirmative action group employees in all occupational levels is equivalent to their respective availability in the external labor market. Eventually, with the goal of equal educational and training opportunities, agencywide parity and occupational parity will be equal.

PARITY—the long-term goal of affirmative action which is reached when employment and occupational parity are identical.

PROTECTED CLASS—legally identified groups that are specifically protected by statute against employment discrimination. Unlike "affected class" which must be demonstrated, protected class status is automatically conferred upon recognized minority group members, females, disabled, by virtue of the law or other court decisions interpreting the law.

QUOTAS—fixed hiring and promotion rates based on race, sex, etc., which must be met at all costs and do not take into consideration the availability, education, or training of the external labor force of protected class members, nor the employers internal labor situation with respect to projected manpower requirements. Quotas are considered to be last resort measures available only for the courts to impose when good faith efforts do not exist.

TIMETABLES—consecutive time durations (generally in affirmative action, a timetable covers one year) during which the specific quantitative goals and objectives for that year are to be met and evaluations of progress are made before beginning the subsequent timetable with its own specific goals and objectives.

UNDERUTILIZATION—term used to describe a lower number of affirmative action group employees than parity would predict. Once underutilization is quantitatively established, the burden of proof rests on the employer to demonstrate that the underutilization is the legitimate effect of valid criteria of business necessity; (also called underrepresentation).

VALIDITY—the extent to which a test, criterion, or qualification measures the trait (some job performance ability) for which it is being used, rather than some other trait. "Business necessity" considerations are addressed to the usefulness of the test in predicting job performance and the minimum cut-off scores.

Office of the County Counsel
County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110
299-2111 Area Code 408

COUNTY OF SANTA CLARA
CALIFORNIA

Selby Brown, Jr., County Counsel

May 24, 1982

Hon. William A. Ingram
United States District Court
175 W. Taylor St.
San Jose, California

Attn: Jim Waggener,
Courtroom Deputy

Re: Paul E. Johnson v. Transportation Agency, Santa Clara County
No. C-81-1218 WAI (SJ)

Dear Judge Ingram:

Enclosed are proposed Findings of Fact in the Paul Johnson case. Enclosed also is the current annual Affirmative Action Plan for the Transportation Agency, effective January 1, 1982. This Plan is submitted in response to your question as to whether or not the County's Plan has a fixed

term. Mr. Dawson has indicated that he has no objection to the submission of the current Agency Plan.

Very truly yours,
SELBY BROWN, JR.
County Counsel

SW:bc /s/ By STEVEN WOODSIDE
Encls. Deputy County Counsel
cc: James L. Dawson

An Equal Opportunity Employer

AFFIRMATIVE ACTION PLAN
County of Santa Clara
TRANSPORTATION AGENCY

Section One:
POLICY

Transportation Agency
1555 Berger Drive
San Jose, California 95112

COUNTY OF SANTA CLARA
CALIFORNIA

SANTA CLARA COUNTY AND TRANSIT DISTRICT
EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the Santa Clara County and Transit District Boards of Supervisors that no person shall knowingly be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by Santa Clara County on the grounds of race, color, national origin, religion, sex, age or handicapped status.

Further, it is the policy of the County and Transit District Boards of Supervisors that no person shall knowingly be discriminated against with regard to recruitment, selection, appointment, training, promotion, retention, discipline

or other aspects of employment because of race, color, national origin, religion, sex, age, or handicapped status.

It is the goal of the County and Transit District to attain a work force which includes, in all occupational fields and at all employment levels, minorities, women and handicapped persons in numbers consistent with the ratio of these groups in the area work force.

The County and Transit District Boards of Supervisors recognize that mere prohibition of discriminatory practices is not enough to remedy the effects of past practices and to permit attainment of an equitable representation of minorities, women and handicapped persons. Affirmative, aggressive, continuing actions are required to attain this goal.

Consequently, it is the will of the County and Transit District Boards of Supervisors that the Transportation Agency take affirmative continuing action as required to assure that:

a. Employment by the Agency is kept freely open to all persons regardless of race, color, national origin, religion, sex, age or handicapped status.

b. Any possible barriers to employment and promotion of minorities, women and handicapped persons are removed.

c. Aggressive and imaginative continuing efforts are made to attract and assist minorities, women and handicapped persons to qualify for employment and promotion as needed to attain an equitable representation in all occupational fields and at all job levels.

d. Bilingual and bicultural persons are recruited, selected and employed in all job classifications as needed to provide equitable service to all bilingual, bicultural segments of the community with special emphasis toward the County's Spanish-speaking residents and other large identifiable groups.

The attached Santa Clara County Transportation Agency Equal Employment Opportunity/Affirmative Action Plan outlines the actions to be taken to implement the Equal Employment Opportunity Policy outlined above. This Plan is approved effective January 1, 1982.

/s/ Susanne Wilson, Chairperson
Santa Clara County Board of Supervisors

/s/ Rod Diridon, Chairperson
Santa Clara County Transit District

Transportation Agency
1555 Berger Drive
San Jose, California 95112

COUNTY OF SANTA CLARA
CALIFORNIA

FOREWORD

SANTA CLARA COUNTY
TRANSPORTATION AGENCY
EQUAL EMPLOYMENT OPPORTUNITY/
AFFIRMATIVE ACTION PLAN

The Santa Clara County Transportation Agency Equal Employment Opportunity (EEO) Affirmative Action Plan sets forth the actions to be taken to comply with the Equal Employment Opportunity policy established by the County and Transit District Boards of Supervisors and Urban Mass Transportation Administration EEO requirements.

Development and implementation of the Agency EEO Affirmative Action Plan ultimately rests with the Transportation Agency Director. The Agency EEO Program, however, is an integral part of the County Affirmative Action Program as well as closely tied to County Personnel Office for employment lists. Therefore, it is expected that the Directors of Personnel, EOD and Transportation Agency will aggressively and cooperatively strive to carry out the personnel actions for which they are responsible and accountable to attain the objectives of the Agency EEO Program.

/s/ Sally Reed
County Executive

Transportation Agency
1555 Berger Drive
San Jose, California 95112

COUNTY OF SANTA CLARA
CALIFORNIA

PREFACE

SANTA CLARA COUNTY TRANSPORTATION AGENCY EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION PLAN

As stated by the Santa Clara County and Transit District Boards of Supervisors, no person shall knowingly be discriminated against with regard to recruitment, selection, appointment, training, promotion, retention, origin, religion, sex, age, or handicapped status.

It is the goal of the Transportation Agency to attain an Agency work force whose composition truly reflects the ethnic and gender makeup of the area work force. Concur-

rently, it is the Agency's goal to provide disabled persons equitable employment opportunities.

Consequently, the Agency's Affirmative Action Plan will outline and define policies and procedures as well as specify each employee's responsibility in regard to the affirmative action policies.

Primary responsibility for accomplishment of many of the personnel actions outlined in the Plan necessarily resides with the Agency Personnel Officer. Therefore, it is the intention of the Transportation Agency to smoothly and effectively integrate the foregoing plan of action within the Agency's overall personnel process. In addition, it is recognized that all Division Directors and supervisory personnel share significant responsibilities for implementation of the actions pertaining to their functional areas. The degree to which each Agency division attains the Plan's objectives will provide a direct measure of that Division Director's personal commitment to the EEO Policy established by the County and Transit District Boards of Supervisors and will be noted accordingly.

The Agency EEO Affirmative Action Plan will serve as an action guide to bring about equitable employment opportunities and will be given genuine priority.

/s/ James H. Graebner, Director
Transportation Agency

Transportation Agency
1555 Berger Drive
San Jose, California 95112

COUNTY OF SANTA CLARA
CALIFORNIA

SANTA CLARA COUNTY TRANSPORTATION AGENCY EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION PLAN

STATEMENT OF PURPOSE

The purpose of this document is to set forth the policies and procedures by which the Transportation Agency will implement its Affirmative Action Program and, in addition, to authorize the implementation, where necessary and legally permissible, of result-oriented personnel and employment procedures and activities which are relevant to equal employment and affirmative action. These procedures may include, but are not limited to, recruitment, hiring, appointment, work assignment, promotion, treatment during employment, pay, selection for training, discipline, or termination.

Section I specifically delineates the Agency's policy on equal employment opportunity as well as outlines the delegation of duties and responsibilities in this regard.

Section II, which is a more detailed specific course of action, describes the Agency's Affirmative Action Program for 1982. This section will:

1. Present an analysis of the composition and distribution of the existing Agency work force and establish equal opportunities/affirmative action employment goals for the Transportation Agency;
2. Identify the major actions to be accomplished to carry out the Santa Clara County and Transit District Equal Employment Opportunity Policy; and

3. Enumerate general recommendations to be followed for the implementation of affirmative action.

PLAN BACKGROUND AND HISTORY

On August 7, 1971, the Santa Clara County Board of Supervisors adopted an Equal Employment Opportunity Policy, subsequently established as General Policy 200. This Policy declared that:

—The County of Santa Clara has a clear responsibility for establishment of equal employment opportunity in a clear and positive sense at all levels of County Government and should provide exemplary leadership to all other employers in the metropolitan area in making equal employment opportunity a reality for all persons.

—Priority attention should be given to analysis of the service needs of minority persons.

—In addition, steps should be taken as necessary to recruit, train and deploy bilingual, bicultural staff to provide services equitably to all bicultural members of the community with special emphasis toward the County's Spanish-speaking residents and other large identifiable groups.

On October 7, 1972, the County Board of Supervisors adopted a five-year County Affirmative Action Plan which established a County Affirmative Action Program and provided guidelines for its implementation.

On September 8, 1975, the County Board of Supervisors approved a comprehensive Affirmative Action Plan for the Transportation Agency. This Plan incorporated the Equal Employment Opportunity Policy adopted by the Board of Supervisors on August 7. 1971. Also, it incorporated an Affirmative Action Program to assure compliance with this policy and requirements imposed by the Urban Mass Transportation Administration (UMTA) and other Federal or State agencies. Additionally, it incorpo-

rated an Affirmative Action Program concerned with monitoring and assuring compliance by construction contractors and consultants involved in Agency projects with Federal, State and Santa Clara County Equal Employment/Affirmative Action requirements.

On March 1, 1978, UMTA Circular 1155.1, "UMTA Interim Equal Employment Opportunity Policy and Requirements for Grant Recipients," became applicable to UMTA grant applicants. The purpose of the Circular was to clarify and strengthen equal employment opportunity procedures for UMTA grant recipients by requiring submission of written equal employment opportunity plans and approval of such plans by UMTA.

The Rehabilitation Act of 1973, commonly referred to as "The Handicapped Civil Rights Law," is to the disabled what the Civil Rights Act of 1964 is to minorities and women. The Act is an extension of affirmative action and nondiscrimination to disabled persons. Section 504 of the Act provides that handicapped individuals shall *not* be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal assistance. The Act requires that an employer make reasonable accommodation to the disabilities of applicants and employees unless it can be demonstrated by the employer that accommodations would impose an undue hardship on the operation of the activity.

California Code Sections 19230-19237 (AB 1309) established that: Effective January 1, 1978, it is the policy of the State of California to encourage and enable disabled persons to participate fully in the social and economic life of the State and to engage in remunerative employment. Furthermore, it established as State policy that qualified*

*A disabled person is qualified when such person is capable of performing the job with reasonable accommodation relative to such person's disability.

disabled persons shall be employed in State service in the political subdivisions of the State, in public schools and in all other employment supported in whole or in part by public funds. Disabled persons are to be employed on the same terms and conditions as the nondisabled, unless it is shown that the particular disability is job-related.

The Santa Clara County Transportation Agency Equal Employment Opportunity/Affirmative Action Plan incorporates the UMTA Interim EEO Policy and Requirements and other Federal, State, and County requirements applicable to the Agency.

DISSEMINATION OF THE AFFIRMATIVE ACTION POLICY

It will be the responsibility of the Affirmative Action Coordinator to ensure that all interested parties are informed of the Transportation Agency's Affirmative Action Program.

—Internal: All employees will be notified of the Agency's Affirmative Action Program with an emphasis on supervisors and managers understanding the active role they are to play in the implementation of the Plan. In addition, employees will receive a copy of the Agency's policy on equal employment opportunities. Copies of the Agency's Affirmative Action Plan will be available at each facility.

—External: Copies of the Agency's Affirmative Action Plan will be given to the County Board of Supervisors, County Executive and to recruiting sources utilized by the Agency. In addition, a copy of the Affirmative Action Plan will be available for public inspection at the office of the Affirmative Action Coordinator during normal working hours.

WORK FORCE ANALYSIS

In order to realistically develop an Affirmative Action Plan, it will be necessary to determine the composition of the existing work force by gender and racial groups within the following EEOC job and protected-group categories:

EEOC Job Categories

—Officials and Administrators
—Professionals
—Technicians
—Protective Service Workers
—Office and Clerical
—Skilled Craft Workers
—Service and Maintenance

Protected-Group Categories

—Female
—Hispanic
—Asian/Pacific Islander
—Black
—American Indian

The statistical composition will then be compared to the selected relevant work force. Employment projections and goals will be based, in part, on the work force analysis. Other factors which will determine the numerical goals for the Transportation Agency will include the utilization analysis, budget considerations, employee turnover, increase or decrease in authorized work force, collective bargaining agreements, program requirements, and the competitive labor market. Projections and goals will be clearly defined each year in consultation with Division Directors and other appropriate staff.

CORRECTIVE ACTION

Remedying the effects of past employment practices which may have excluded the appointment and promotion of ethnic/racial minorities and women at various levels of the work force is one of the objectives of the Affirmative Action Plan. Affirmative action activities shall include the review of employment and personnel practices to determine factors that may be contributing to the imbalance. It is the responsibility of the Affirmative Action Coordinator to determine if there are any practices within the employment process that may constitute artificial barriers to equal employment opportunity to women and ethnic/racial minorities; and, if so identified, take the necessary action to eliminate those artificial barriers.

* * *

[Deleted Chart did not conform to Supreme Court printing specifications. See Supplemental Excerpt of Record p. 84.]

EMPLOYMENT PROJECTIONS AND GOALS

Any projection of positions to be filled during 1982 is difficult to make in light of the fiscal-crisis and subsequent County-wide hiring freeze. In addition, other critical factors which must be considered are:

1. The Transportation Agency is not growing at the same rapid rate of past years;
2. There is an anticipated cut in transportation subsidies from both Federal and State funding sources; and
3. The current hiring freeze will dictate procedures for new positions to be filled within the Agency.

Based on the aforementioned influencing factors as well as 1981 selection patterns (Chart IV), new positions which are likely to open up during 1982 will fall in the following categories:

EEOC JOB CATEGORIES

Officials and Administrators	0
Professionals	3
Technicians	10
Office and Clerical	0
Skilled Craft	55
Service and Maintenance	126

For those positions opening up in the Professional category, a realistic goal of two positions filled by protected-group members is set. Five of the anticipated ten positions will hopefully be filled by ethnic minorities or women in the Technician category.

The Office and Clerical category is above parity. There will be approximately 55 positions in Skilled Craft. A goal of three women is targeted for this group. The percentage of minorities already represented in the Skilled Craft category, on the other hand, is 47%.

Although there has been an intensive recruiting program for women coach operators, the openings in 1982 will be for part-time positions only. In addition, as each year has passed, the list of operators with higher seniority gets longer and longer. These two factors will greatly influence the number of women who accept positions as coach operators. Moreover, the approximate 25 positions likely to open up in the maintenance area have already established lists. Given these factors, a realistic goal to set for Service and Maintenance hires is 35% of the protected-groups including women.

Chart IV

1981 SELECTION FIGURES

EEOC Job Categories	Hires	Promotions	Provisional
Officials and Administrators	1	2	
Professionals	10	13	2
Technicians	26	25	1
Protective Services			
Office and Clerical	78	28	3
Skilled Craft	30	4	4
Service and Maintenance	276	28	3
TOTAL	411	100	13

With the uncertainty of all the variables to be considered, employment projections for this year are tenuous at best. However, for this very reason, it becomes even more critical that stringent monitoring occur of any selections made within the Agency. The ultimate test of affirmative action is selections made rather than projections presented.

Therefore, the following steps will be recommended for the Agency:

1. All appointments to be made in categories in which underrepresentation exists will receive special attention. Top priority will be given to utilizing the "red-tag" form recommended by the County Executive to alert the appointing manager of the disparity within that job category (see addendum).
2. Division Directors will be held accountable for all appointments made within their respective divisions. When an appointment is made that does not include a member of the protected-classes, the Affirmative Action Coordinator will be informed before the appointment is made.
3. Managers will be apprised of this policy by the Division Directors who are ultimately responsible for affirmative action within their respective divisions.

VAN BOURG, ALLEN, WEINBERG & ROGER
A Professional Corporation
875 Battery Street, San Francisco, California 94111
Telephone (415) 864-4000
Attorneys for Service Employees
International Union Local No. 715

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C-81-1218 WAI (SJ)

PAUL E. JOHNSON,

Plaintiff,

v.

TRANSPORTATION AGENCY, SANTA CLARA COUNTY, CALIFORNIA,

Defendant,

and

SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL NO. 715,

Intervenor.

DECLARATION OF KRISTINA M. SERMERSHEIM IN SUPPORT OF MOTION FOR INTERVENTION

DATE: October 25, 1982

TIME: 10:00 a.m.

DEPT: Courtroom of the Honorable William A. Ingram, 175 West Taylor Street, San Jose, CA

1. I am Senior Field Representative for Service Employees International Union Local No. 715. This Union is the recognized employee organization for most of the employees of the County of Santa Clara. We represent the employees of the Transportation Agency.

2. Local No. 715 is party to a Memorandum of Understanding with the company which incorporates the Affirmative Action Plan as follows:

"The County and the Union agree to cooperate to achieve equitable representation of women, minorities, and disabled at all occupational levels designated by Federal, State and County Affirmative Action goals and timetables as adopted by the Board of Supervisors."

3. We Have been aware of the Johnson suit against the County and its possible affects upon Diane Joyce. During the early part of the proceedings, I spoke with Ann Ravel, Deputy County Counsel, in order to determine whether the Union should take any action to intervene. Ms. Ravel informed me during that conversation, which occurred in 1981, that there was nothing to worry about and that the suit would never go to court.

4. Based upon the above information, Local No. 715 took no action to intervene in these proceedings to protect Diane Joyce. In addition to protecting Diane Joyce, the Union has an interest in preserving the Merit System rules as well as the Affirmative Action Program. Local No. 715 supports the County's Affirmative Action Program.

5. Local No. 715 wishes to intervene in these proceedings to protect Diane Joyce's job as well as the County's Affirmative Action Program, the Merit System rules and our Memorandum of Understanding, which incorporates the Affirmative Action Program as well as the Merit System rules.

6. If called as a witness, I could competently testify to the above facts since they are within my personal knowledge.

Executed this 18 day of September, 1982, at San Jose, California.

/s/ Kristina M. Sermersheim

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NO. C-81-1218 WAI (SJ)

PAUL E. JOHNSON,

Plaintiff

vs.

TRANSPORTATION AGENCY, SANTA CLARA COUNTY, CALIFORNIA,

Defendant.

STIPULATION AND ORDER
(Received Dec. 23, 1982)

IT IS HEREBY STIPULATED by and between the plaintiff, PAUL JOHNSON through his attorney JAMES L. DAWSON, and defendant, TRANSPORTATION AGENCY, SANTA CLARA COUNTY, CALIFORNIA, through its attorney, Office of the County Counsel, STEVEN WOODSIDE, that:

1) Defendant shall pay forthwith to plaintiff's attorney the sum of $15,938.29. This sum represents plaintiff's allowable costs in the sum of $2,168.29 and attorney's fees up to and including December 13, 1982, in the sum of $13,770.00 representing 162 hours of work at the rate of $85.00 per hour;

2) Defendant shall pay the sum of $ [(to be determined)] forthwith to plaintiff PAUL JOHNSON. This sum represents plaintiff's compensation pursuant to paragraph 3 of the judgment herein, adjusted up to and including December 19, 1982;

3) Defendant shall hereinafter pay to plaintiff the rate of compensation of that of the position of Road Dispatcher;

4) Defendant shall, if it so desires, file an appeal in this cause on or before Monday, December 27, 1982;

5) In the event that defendant files an appeal, defendant may move to stay execution of paragraph 2 of the judgment. Such a motion for stay of execution of paragraph 2 of the judgment shall be made as early as practicable.

GRUBER, DAWSON & PREEFER

By /s/ James L. Dawson
Attorney for Plaintiff.

DATED: December 23, 1982

OFFICE OF THE COUNTY COUNSEL

By /s/ Steven Woodside
Attorney for Defendant.

DATED: December 23, 1982

IT IS SO ORDERED:

/s/ William A. Ingram
UNITED STATES DISTRICT JUDGE

DATED: 12/27/82